California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Analysis of redistricting plan

What L.A. can learn from BART

Why state hasn't cleared the air

October 1973

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A CALIFORNIA JOURNAL...

Wine, women and news

If John Ehrlichman is right, news conferences with public figures are overrated by the press, and members of the communications media are guilty of negligence for failing to report on the drinking habits and extramarital sexual activities of legislators. Before President Nixon submitted to Watergate questioning at San Clemente, the former presidential assistant for domestic affairs answered reporters' cries for a verbal crack at the President by observing that press conferences aren't particularly valuable because of the "soft questions" reporters ask. Addressing the Ervin committee, teetotaler Ehrlichman described this Congressional scene: "You can go over there in the gallery and watch a member totter onto the floor in a condition of at least partial inebriation which would preclude him from making any sort of a sober judgment on the issues that confront this country. I know of my own knowledge of incumbents in office who are not discharging their obligations to their constituents because of their drinking habits and there is a kind of unwritten law in the media that this is not discussed."

Is Ehrlichman right? How valuable is the press conference as a method of delving into the inner workings of government? Do sex and alcohol get in the way of the conduct of the people's business? And if so, what then is the duty of the reporter?

* * *

In Sacramento, the value of the press conference is limited — but not because reporters ask "soft questions". During the Earl Warren era and before, a handful of newspapermen used to sit around the Governor's desk on a daily basis and delve deeply into affairs of state. There are so many reporters involved today, however, that it would take a table the size of a hockey rink to accommodate them. Pat Brown built a special press conference room on the first floor of the Capitol, with newspapermen sitting up front and television cameras perched on a platform in the rear. Since then, Sacramento press conferences have been staged primarily for television, and their value to the written press has diminished greatly.

It makes little difference how hard or soft the questions might be. Governor Reagan is invariably prepared for them. As do other politicians, including the President, he meets before every conference with press aides and other key staff members to be briefed on every question that seems likely to be raised and to discuss possible replies. Consequently, Reagan is surprised by a question less than five percent of the time.

Reagan and other public officials often open press conferences with announcements or prepared statements. This tactic can be used to funnel questions in a predetermined direction. Reagan also has held numerous press conferences limited to one subject, such as the tax contest in the Legislature. Modern press conferences are easily tailored to meet the needs of the public official, and canned answers are a much bigger problem than soft questions.

Conferences apparently are no more valuable in Washington. Tom Wicker of the *New York Times* writes: "No one knows better than members of the press that a news conference is at best a disorganized noisy, competitive, frequently frantic kind of business at which the right questions might well not be asked, much less answered."

* * *

How about sex and alcohol? Let's take the easy one first — extramarital affairs. Newcomers to the California Legislature are told in a closed-door orientation briefing that they are free to run around with members of the opposite sex all they like without fear of being exposed in the press. Although reporters talk among themselves of the "bedroom beat", they take the view that unless sexual activities interfere with legislative responsibilities they are none of the public's business.

The Ehrlichman indictment on alcohol has more merit. The folks back home should be informed about the drinking habits of a Congressman or state legislator in those instances when John Barleycorn inhibits sober judgment. In the California Legislature, alcoholism is not nearly so great a problem as might be suspected. Indeed, the current crop of legislators is rather a sober bunch, at least by historic standards. Only a handful of lawmakers have serious drinking problems — and these are not necessarily the ones who have been arrested for drunken driving.

The problem for a reporter is how to get the message to the reader or viewers. You can't just say that a certain Assemblyman was under the influence on the floor yesterday. How do you prove that? You can't administer a blood-alcohol test. Look at three of the most serious drinkers in the Legislature today: One has the capacity for making lucid-sounding speeches even after consuming vast quantities of liquor. Another maintains a low profile and rarely says anything on the floor, even when sober. And the third is afflicted with so many health problems that it is impossible for a layman to determine the precise cause of unusual behavior, even when alcohol is suspected.

* * *

True, the media has generally ignored the drinking habits of politicians, and Erlichman is probably right when he claims that lawmakers "tottering" on the floor should be exposed. But he does not solve the practical problem: Even if newsmen wanted to break the unwritten law, how do they prove that alcohol — and not some other factor — actually is impairing the judgment of a particular lawmaker?

ED SALZMAN

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If the gubernatorial vote were held today...

If the 1974 California gubernatorial election had been held this summer, Secretary of State Edmund G. Brown Jr. would have won by a comfortable margin, and his GOP opponent would have been Lieutenant Governor Ed Reinecke. In a series of California Poll reports issued in early September, Mervin D. Field indicated that, at this early stage, Jerry Brown is far ahead of potential Democratic competitors and Reinecke has a slight lead over Robert H. Finch, the man he succeeded as Lieutenant Governor.

Field himself warns that his poll must be viewed with skepticism. Most Californians this far before an election have only superficial views of candidates, he explained, and plenty of time remains for Brown and Reinecke to fall in the rankings and for other contenders to rise. Field will take another sampling in November.

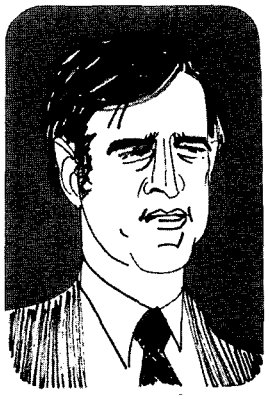
Six months before the filing deadline, both the Democratic and Republican parties have an abundance of possible gubernatorial candidates to succeed Ronald Reagan. Here is how they fared in Field's Poll:

Democrats. Brown, 42 per cent; Mayor Joseph Alioto of San Francisco, 22; Assembly Speaker Bob Moretti, 9; Representative Jerome R. Waldie, 6; Senator George R. Moscone, 3; University of California Regent William Matson Roth, 1; none of these, 17.

Republicans. Reinecke, 28; Finch, 24; Attorney General Evelle Younger, 19; industrialist David Packard, 5; HEW Secretary Caspar W. Weinberger, 4; Controller Houston I. Flournoy, 3; none of these, 17.

Brown's advantage

Perhaps more significantly, 1,025 Californians also were asked how they would vote in several hypothetical situations. Brown beat all comers (Reagan, Reinecke, Younger, Finch and Flournoy). Alioto tied Reagan, defeated Finch and Flournoy, lost to Reinecke and Younger. Moretti defeated Finch and Flournoy, but lost to Reagan, Reinecke and Younger.



Edmund G. Brown Jr.

Why is Brown doing so well in the early polls? The son of a two-term Governor started with excellent name identification, of course, but he has made the most of his job as Secretary of State — at least, in terms of publicity. And he has not been forced to take stands on the tough issues, making him unpopular with any segment of the party. In fact, he finished first in a poll of the Southern California Chapter of the Americans for Democratic Action, an organization that might be expected to feel an affinity for men with voting records like those of Moscone and Waldie.

On the surface, the poll should have been most disheartening to Flournoy, who emerged as the GOP's top vote-getter at the 1970 election and who has been preparing for the governor's race for three years. Flournoy supporters claim that the survey should be discounted, however, because only 309 Republicans were questioned, and Field concedes that a sampling of this size can be as much as six percentage points off.

On the Democratic side, Waldie contends that he would do much better if the poll were taken now because his walk through southern California has improved his name identity markedly. The poll was taken too early to include any impact from the walk, he claims. But even the Congressman can find some solace in the poll because it shows him twice as popular as Moscone even though he is known by fewer people than the Senator.

Reinecke challenged other Republicans to stop procrastinating and formally throw their hats in the ring with his at a Republican State Central Committee meeting in San Diego last month. The others declined, and Younger and Finch said they may hold off doing so until after first of the year. Flournoy, however, announced his candidacy on September 18th.

While the Republican gathering didn't clarify the gubernatorial situation, it did provide an insight into where Reagan's support may be headed in two other races. Although the Governor has indicated that he expects to remain neutral in his party"s June primary election, he did report that he has encouraged two of his younger aides to seek office — Dr. Earl Brian, secretary of health and welfare, Cranston's seat, and Brian Van Camp, corporations commissioner, Brown's.

Here is the current list of potential candidates:

Democrats

Governor. Mayor Joseph Alioto of San Francisco, Secretary of State Edmund G. (Jerry) Brown Jr., Assembly Speaker Bob Moretti, Senator George Moscone of San Francisco, University of California Regent William Matson Roth, Representative Jerome R. Waldie; Herbert Hafif, Claremont attorney.

United States Senator. Incumbent Alan Cranston, Howard L. Gifford of Patterson.

Lieutenant Governor. Roger Boas, former San Francisco supervisor; state Senators Mervyn Dymally and George Zenovich; Howard Miller, University of Southern California professor; John Merlo, Chico attorney; Terry Goggin, administrative assistant to Representative George E. Brown Jr.; Bernice Slater, Sacramento broadcaster.

Controller. Assemblyman Ken Cory of Orange County, Supervisor Robert Mendelsohn of San Francisco.

Attorney General. William Bennett, member of the state Board of Equalization; Assemblyman Walter Karabian of Los Angeles.

Treasurer. Milton Gordon, former state real estate commissioner and unsuccessful Democratic nominee in 1970; Gray Davis, finance aide to Mayor Tom Bradley of Los Angeles.

Secretary of State. Incumbent Brown; William Durley, Sacramento county clerk; Assemblywoman March K. Fong of Oakland, Senator Alan Short of Stockton; Herman Sillas, Los Angeles attorney and Chicano leader; Cathy O'Neill of Los Angeles, unsuccessful 1972 state Senate candidate.

Republicans

Governor. Incumbent Ronald Reagan, Controller Houston I. Flournoy, Lieutenant Governor Ed Reinecke, Attorney General Evelle Younger, former presidential counselor Robert H. Finch; Caspar W. Weinberger, Secretary of Health, Education and Welfare.

United States Senator. Finch, Mayor Pete Wilson of San Diego, state Senator H. L. (Bill) Richardson of Arcadia; Dr. Earl Brian, state Secretary of Health and Welfare; William S. Banowsky, president of Pepperdine College; Gordon Paul Smith, former state finance director.

Lieutenant Governor. Joe Blatchford, former Peace Corps Director; John Veneman, former Undersecretary of Health, Education and Welfare; H. D. Timm Williams, former state Indian affairs advisor; Senator John L. Harmer of Glendale, Assemblyman Floyd Wakefield of Downey; Ben Fernandez, Encino business consultant.

Controller. Assemblyman William Bagley of San Rafael.

Attorney General. Younger and state Senator George Deukmejian.

Treasurer. Incumbent Ivy Baker Priest.

Secretary of State. Mike Montgomery, South Pasadena councilman; James Flournoy, unsuccessful 1970 candidate for Secretary of State; John G. Schmitz, 1972 American Independent Party candidate for President; Brian Van Camp, state corporations commissioner; Assemblyman Paul Priolo of Los Angeles.

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ATTENTION MAYOR BRADLEY:

What BART can teach Los Angeles

The first promise made by Tom Bradley after his election as Mayor of Los Angeles last June was to lead a successful drive for construction of a rapid-transit system in the southern California megalopolis. Can planners learn from the experiences of the Bay Area Rapid Transit District to the north? In the Bay Area, BART had a ready-made clientele — the hordes of commuters who had already been traveling between home and work in San Francisco or Oakland. Can Bradley and his southern California rapid-transit planners convince far more scattered Los Angelenos, with far more centers of activity, that they, too, should abandon their commute automobile trips in favor of trains and buses? In this article, an expert on mass transportation suggests how Los Angeles might benefit from BART's difficult pioneering effort.

By HARRE W. DEMORO

In the early-morning hours of March 31, 1963, the last electric streetcar in Los Angeles clattered to a halt. The end had come for what once had been a far-flung network of trolley lines and interurban railways. Los Angeles' final surrender to the automobile had come, coincidentally, the same year that, 400 miles to the north, the Bay Area Rapid Transit District was preparing to build a 75-mile regional rapid-transit rail network.

In the years since, Los Angeles continued to concentrate primarily on construction of additional freeways to combat its growing urban congestion, and BART struggled with delays and rising costs that forced repeated postponement of the day when its commute trains will roll under the bay and into downtown San Francisco. Still, BART's system will be fully operational in a matter of months, while Los Angeles' congestion has only worsened. Now, the realities of intolerable air pollution and a deadline for restoring clean air, along with a threat of gasoline rationing, have at last forced Los Angeles' planners back toward concepts of mass transportation. On their drawing boards today is a $6.5 billion, 116-mile rapid-transit system. It may one day serve an area that, 60 years ago, boasted 1,000 miles of interurban rail lines carrying 2,700 scheduled trains a day.

The preliminary Los Angeles plan, drafted by consultants to the Southern California Rapid Transit District, calls for an eight-corridor system of rapid-transit lines and busways. Rails would fan out from downtown Los Angeles to the San Fernando Valley, Santa Monica, Los Angeles International Airport, Long Beach, and Orange County. Busways would connect the airport with Norwalk, and the Civic Center with El Monte and Pasadena. Construction would start in 1976.

Assuming that construction will begin reasonably near target, southern California's subway designers might benefit from the experience of BART, which still is haunted by technical problems and political infighting.

Birth of BART

Voters in San Francisco, Alameda and Contra Costa counties created BART in November 1962, when they approved a $792 million bond issue, which also triggered release of $132.7 million in Bay Bridge toll funds, and authorized issuance of $71.2 million for purchase of rapid-transit cars. The entire system was expected to be built by July 1, 1971, at a total cost of $995.9 million, and parts of the line were to start operation as early as 1967. BART missed those targets by a wide margin, of course. (For additional details, see *CJ*, March 1972, p. 90.) Today, the cost has mushroomed to $1.3 billion, and San Franciscans are still waiting for their train to come in (though all the East Bay portions are now in limited service), and it will be all but impossible to open the 3.6 mile tube to regular rail service until early in 1974.

A lot of what Los Angeles might learn from BART depends on whether the proposed southern California system uses the steel-on-steel railway technology or builds some new kind of system. BART opted for a steel-on-steel system — steel wheels rolling on steel rails — after a limited look at other technology, mainly monorail and the French rubber-tired trains first used in the Paris *Métro* and now also running in French-designed systems in Montreal and Mexico City. Steel-on-steel was selected primarily because it was well proven, considered highly safe and reliable, and could handle long trains efficiently at high speeds. Switches to shunt trains from track to track and about storage yards under such a system are simple and generally foolproof. Rubber-tired systems and monorail, on the other hand, often require more complex switches and, with rubber tires, BART planners contended, slower speeds would be necessary at junctions.

In any case, BART selected a well-known system used by railroads since the 1830's. Electrically powered transit systems using railroad tracks have been in successful use since the first truly reliable streetcars were

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The author, an Oakland journalist who specializes in transportation, has written numerous articles on the subject for magazines and journals, as well as three books, including Bart at Midpoint, *a survey of the Bay Area Rapid Transit District through 1968.*

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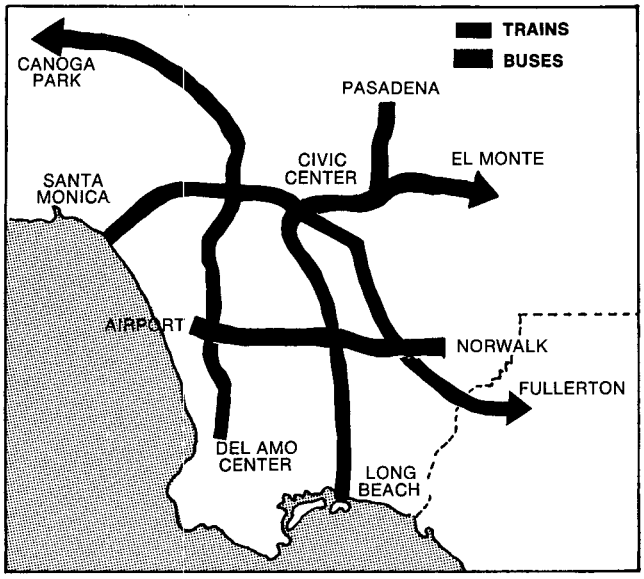
Los Angeles transit proposal



put into service in 1888 in Richmond, Virginia, and electric trains were proven in the 1890's on Chicago's "Els". Consequently, BART's chances of technological success were good because of the selection of a known system that its designers would aim merely to improve. Where BART may have erred was in seeking to design a railroad of conventional technology as if none had ever been built before. In some respects, BART tried to re-invent the wheel. Thus. time and money were spent on testing that in the end did not always produce a great leap forward, or even a small one. For example, direct current (normally produced by a battery) has long been known as an ideal electrical system to propel rapid-transit trains. For 80 years, the transit industry has depended on direct-current motors because they are sturdy and capable of rapid acceleration. Yet, BART engineers spent much time and effort on an alternating-current propulsion system — the type of electricty used in homes — that required an incredibly complex method of transmitting the power to the moving train. In the end, after extensive testing, a direct-current system not much different from what was used in Chicago in the 1890's and has been virtually a standard item since 1905 was selected for BART's trains.

Car design

Another idea in which BART ignored the practice of the industry was in the design of its car. This is not to say that Rohr Industries of Chula Vista built an inadequate vehicle. While the trains have been plagued with many problems, there has so far been no indication that Rohr failed to follow specifications or that the car it built will be a failure.

Although it has been known for years that, if possible, all rapid-transit cars should be alike, BART bought two kinds of cars. Uniformity allows cars to be added or subtracted easily to meet varying traffic needs. But BART has one type of car, with the slanted cabs BART considers streamlined, that must be at the front and rear of each train, and another type of car that can be used only in between. Thus, to add or subtract cars a train must be taken to one of three storage yards, broken in two, and cars without cabs either coupled into the middle of the train or removed. It is a time-consuming, clumsy operation. BART engineers contended that this system was less costly than "look-alike cars" because only the cab cars had to be equipped with expensive automatic control equipment. It remains to be seen whether that saving will be offset by the cost of labor needed to uncouple the trains at the yards.

Door problems

Streetcars, including the battered trolleys still rattling about San Francisco, have for at least half a century been designed so that their doors can open only when the cars are stopped. Various simple means of connecting door controls to braking systems are well known and completely proven. But for some reason still unclear, BART engineers either didn't look at the proven designs or rejected them. Doors do open on moving BART trains, sometimes when the train is zooming along at 80 miles an hour on elevated tracks. So far, there have been no accidents because of the problem, but just why, after all of these years, a rapid-transit car cannot be built with a door system as foolproof as an old trolley car's is a mystery that Los Angeles planners should resolve — perhaps by studying a circuit diagram for the city's old yellow trolley cars or the red cars used in suburban service.

Another area of car design that BART may have made too complex is the arrangement of the doors. Most rapid-transit cars have several side doors for passenger access, but many passengers on those systems stand and doors take up space. Because BART planned to seat all passengers, only two doors per side were provided, thus allowing a maximum number of seats. That concept seems adequate, and the interiors of the carpeted and air-conditioned cars are spacious and give the seated rider a superb ride.

But what happens if a train breaks down? In tunnels, the side doors can be opened electrically or manually, and there is a sidewalk along the tunnel at the same height as the train floor so that passengers can walk to the next station. If the breakdown occurs on a viaduct or at surface level, however, the situation is much different. The floor is about five feet above the structure or ground, there is a step located at one point on the side of each car (for maintenance personnel), and only a small emergency handle. Each train also carries a long gangplank so that stranded passengers can walk the plank to a good train brought alongside. Doing so in stormy weather could be a hair-raising experience, though, and so far defective trains have been pushed into a station by another train.

Most other cars also have doors at each end. In Chicago's system, for example, a good train can be backed up to a stalled one, the end doors of both trains opened, and the passengers transferred from one train to the other under cover. Because BART's one-windowed, streamlined cabs have no doors, such a transfer is impossible.

Automatic control

Much has been written about the automatic train-control system developed by Westinghouse Electric from concepts produced by BART's engineering consultants, the joint venture of Parsons Brinckerhoff-Tudor-Bechtel. Despite what many critics say, BART is now operating essentially in full-automatic mode —

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'The World's Greatest Electric Railway System'

The extent of the electric railway mileage that once served the Los Angeles basin is, today, staggering to contemplate. There were two basic networks:

- *Pacific Electric Railway,* a subsidiary of Southern Pacific, offered high-speed interurban service over the world's largest system of its kind.
- *Los Angeles Railway,* owned for many years by the Huntington family, ran city trolley lines, which later were reorganized into Los Angeles Transit Lines.

In 1912, Pacific Electric, calling itself "The World's Greatest Electric Railway System," boasted 1,000 miles of lines and 2,700 scheduled trains a day. As late as 1946, when both the interurban and local networks were already in decay, Los Angeles Transit Lines operated 825 streetcars, and Pacific Electric still ran 454 passenger cars and a fleet of 44 express cars that carried less-than-carload freight and mail over the rails in a manner done now by trucks on freeways. Pacific Electric's service to Glendale, Burbank, Hollywood, and the San Fernando Valley rattled out of a mile-long downtown subway until 1955 when, under the management of the pro-bus Metropolitan Coach Lines, which had bought Pacific Electric two years earlier, the tunnel and downtown station were closed and service was assured by bus. Metropolitan, in turn, was bought in 1958 by the Los Angeles Metropolitan Transit Authority, which at the same time acquired Los Angeles Transit Lines. The public agency killed the remaining rail service within five years.

and has been since the first line opened. (And, despite what has been written, the manual block system, which was added to assure that trains are properly spaced, was not installed because of an overrun at Fremont station October 2, 1972. The backup, though considered temporary, was in use before passenger service began over any part of the system.)

Whatever the merits of BART's automatic controls at this point, all new rapid-transit systems will likely be automated. The system under construction in Washington, D.C., is automated. A similar concept is proposed for those in Baltimore and Atlanta. Even plans defeated twice by Seattle voters envisioned automated trains. A 14-mile rapid-transit system in Philadelphia is running automatically much of the time. A rubber-tired transit line being built in Pittsburgh, Pennsylvania, will be so automated that no human operator or attendant need be aboard. BART never intended to run trains without someone in the cab — a limitation some experts attribute to the steel-on-steel technology, since steel wheels are likely to slip on wet or dirty rails, thus jeopardizing precise stops under automatic control. Under very adverse conditions when trains are closely spaced — BART plans to run them as close as 90 seconds apart — this stopping distance is critical, and for this reason a person in the cab is essential. A rubber-tired system, on the other hand, is thought not to have the adhesion problem, even in the snowy winters of Pittsburgh.

Automation in some cases results in reduced labor costs. But its main advantage today is to permit close spacing of trains running at high speeds. The semi-automatic trains that ran over the Bay Bridge from 1939 to 1958 could operate approximately every 60 seconds, and did so without serious accident but at far slower speeds than BART's designers envision. With trains designed to run every 90 seconds at 80 m.p.h., BART will need reliable automatic equipment to keep its trains precisely on schedule and stop them precisely in station.

Back-up equipment

In any case, having someone in the cab did not prevent the accident at Fremont. A train approaching the terminal station was given a command, auotmatically, to slow down to about 26 miles an hour. However, a defective crystal in the automatic equipment in the train cab converted the 26 m.p.h. signal to something like 66 m.p.h. Instead of slowing, the two-car train accelerated, and careened through a switch at better than 60 m.p.h. Though the trainman pressed the "stop" button, it was too late. The first car left the track at the

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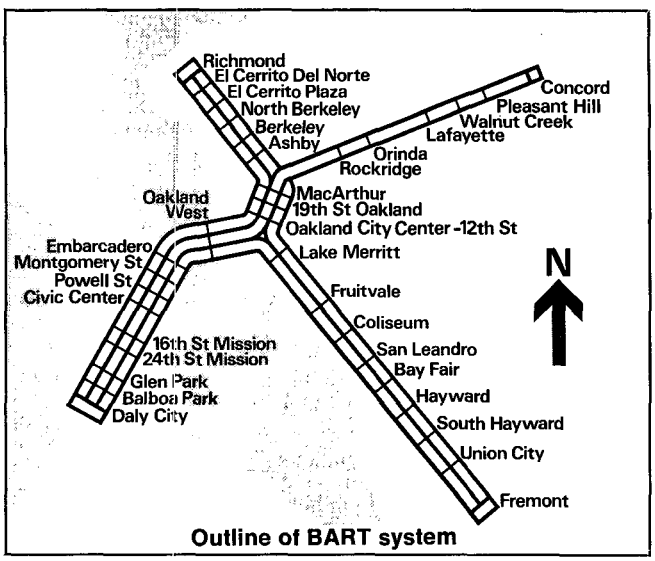
end of the station and landed in a parking area below. Only five persons were hurt, none seriously. (According to BART General Manager Billy R. Stokes, the most serious injury on BART so far was suffered by a man who fell down an escalator at a station. This does not, of course, count the BART employee who was working on switches at the Hayward Yard and was struck and killed by a train approaching from behind.)

The Fremont accident opened to question whether sufficient backup equipment exists to take over when the automatic controls malfunction. For example, had the operator been given more information on the cab console, perhaps he could have been alerted sooner that the train was overspeeding. Additional circuits could also be installed to take over if the main circuit fails as at Fremont. And a device could be installed that would compare the train's actual speed with the automatic command and stop the train if the two speeds were not the same. These additions — some of which were first suggested by a state Senate panel of experts while BART had planned to install others before the Fremont mishap — are being produced and will be placed on the cars before the state Public Utilities Commission will permit operation into San Francisco.

Track width

BART has been criticized for not selecting the traditional standard railway gauge, the space between rails, of 4 feet, 8½ inches. While that might have made it easier to obtain standard components, there are indications that the train at Fremont would have derailed in a switch rather than at the end of the platform had the track been conventional. Instead, because BART's rails are 5 feet, 6 inches apart — the widest in the world — the train went through a switch designed for about 30 m.p.h. at better than 60 m.p.h. without leaving the track. Had it derailed, the train probably would have rammed the station and killed waiting passengers as well as those on the train.

There were nontechnical factors working against BART, too. One was the overselling publicity job of the mid-60's headed by George L. McDonald (who today holds a top-level planning-and-marketing job with the Southern California Rapid Transit District). McDonald, acting under Stokes' direction, painted an overly optimistic picture of BART's future, rarely giving a hint of technical and financial problems. As a result, the public was unprepared for the inevitable breakdowns and crises when they came.



Outline of BART system

Politically, BART has been ablaze since its earliest days, when a taxpayers' suit delayed construction. A lawsuit filed late in 1962 after passage of the BART bonds challenged the outcome of the election and, among other things, questioned the relationship of the joint-venture engineers with BART. Though BART won this court battle, it took six months, and BART officials often point to this delay as a major factor in the higher costs later caused by inflation. But, in retrospect, the delay seems small compared to those that happened since, among them:

Berkeley. One of the most publicized problems was the battle with the City of Berkeley over how much of the route was to be in subway. Originally, BART engineers proposed undergrounding the section in the center of the city, and placing the remainder on elevated tracks. But there was growing interest in esthetic values. Then, Berkeley Mayor Wallace J. S. Johnson demanded that the entire line be put underground. He challenged BART's estimate that it might cost as much as $20 million, openly defied the joint venture, accusing the combine of collecting high fees, and demanded that steps be taken to put the tracks underground. Finally, in 1966, Berkeley voters approved a $20.5 million bond issue to pay the extra cost of going underground. (With the help of federal aid and some interesting construction techniques, only about $12 million in bonds were required.) Today, the central Berkeley station, which was to be underground even in the original plan, is a bright and colorful subterranean jewel box, the equal of many of the stations of the famous Moscow *Métropolitain*. The North Berkeley stop and the Ashby station, which were to be on platforms, are also architectural gems.

Hayward. A less incendiary battle, but also one that delayed work, was waged in Hayward, which objected to the route that eventually was built along Western Pacific's tracks. BART agreed to study an alternate route that would have taken the tracks into the hills and to California State University, although it seemed obvious from the start that the grades would be too steep. BART, apparently to satisfy the city, spent several months on the study, then found the route to be unfeasible. Several city officials convinced the agency to place the tracks on the surface between the Hayward and South Hayward stations, and helped BART get state aid for grade crossings. In the end, Western Pacific and BART were put on a joint right-of-way through this part of Hayward, and several dangerous WP highway crossings were eliminated.

Oakland. Suddenly realizing that BART was about to tear up its downtown area, Oakland asked that a station be placed at Jack London Square, a waterfront watering spot about a mile away. Although such a station was clearly unnecessary and would not be built in any case, BART still spent time and money to study it.

Bidding. One of the biggest shocks, which resulted in more delays, occurred late in 1965 when only two firms bid to construct the downtown Oakland subway. The low bid was $61.5 million, fully 28 percent above estimates. It was already becoming obvious to some that the project was being hit hard

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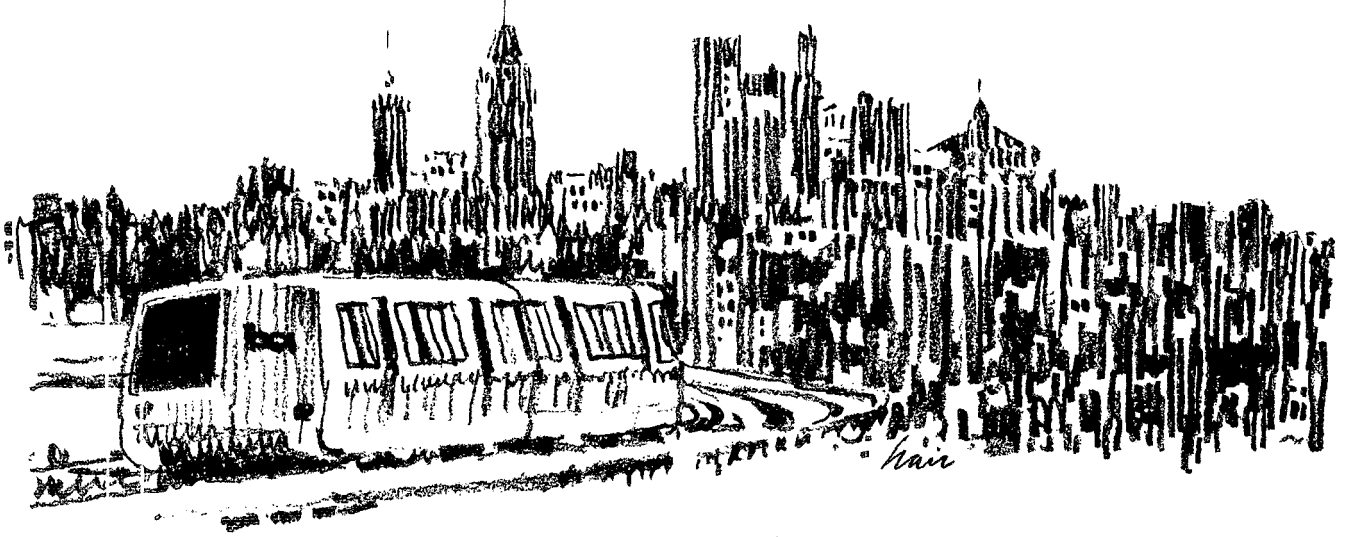

by inflation and faced serious fiscal problems. Despite intense political pressure, these bids were rejected, one track was eliminated, and the work broken into smaller packages to provide more competition. This did reduce the cost from $61.5 million to about $47 million, but at a cost in time.

Deficit hits

By themselves, these and other delays would hurt due to higher costs produced by inflation. But BART was being built while the Vietnam War was accelerating and inflation soaring faster than the engineering consultants had predicted. With the war not only inflating prices but also making heavy construction material and workers scarce, the district was faced with a $150 million construction deficit by 1967. Although unpopular since the opening lawsuit in the aftermath of the voters' approval of BART's bonds, the district's political problems grew worse under the deficit, and continue dismal even today. Stokes and BART's Board of Directors went straight to Sacramento for help, which nettled the legislators asked to perform the unpopular chore of raising taxes. It took two years to win approval of the half-cent sales tax to cover the deficit.

As the legislative battle raged in Sacramento, construction slowed and the fiscal crisis grew acute. More delays ensued.

The bad feelings in Sacramento, the miles of structures and tunnels in view of the public but unused, the adverse publicity and delays in acquiring and shaking down the new cars and their automatic controls grew to immense proportions. Stokes, 49, was especially vulnerable to criticism because he is not an engineer, but rather a former newspaper reporter, and also managed to win pay increases though the hard times that have brought his salary to $52,000 a year. Last June, however, five of the 12 board members tried to fire him. Since BART's directors are appointed by mayors and boards of supervisors, no one is betting on Stokes' survival this fall when terms of three key directors expire. Stokes' future — indeed the entire political future of BART — was made even more uncertain September 17th when Governor Reagan signed into law AB 24 by Assemblyman Carlos Bee replacing the current appointive board with a nine-member board elected directly by the people under a ward system. (The bill contains a provision allowing supervisors in any two of the three BART counties to call a referendum on the issue of an appointive board versus an elective board before the change takes place.)

BART's accomplishments

Despite the problems, the designers, builders, and administrators of BART have nonetheless produced the first totally new rapid-transit system in the United States since Philadelphia opened its Market Street subway in 1907. There are these accomplishments:

- A 3.6-mile underwater tube was laid, without serious incident, in a trench on the floor of San Francisco Bay.
- Two tunnels side by side and almost four miles long were cut, without any major problems, through an active earthquake fault in the Oakland-Berkeley Hills.
- Subways were built through the hearts of three cities, (where downtown streets were turned into ditches 100 feet deep).
- Thirty-eight stations are either completed or nearing completion, and each has been praised for its design.
- The rapid-transit cars, though plagued by bugs, provide a smooth, fast, and comfortable ride, and show promise of meeting the design criteria as their shakedown continues.
- Although clouded in controversy, the sophisticated and complex automatic controls built by Westinghouse could eventually meet or exceed specifications, though extensive work remains to be done on the equipment.
- Landscaping is taking hold under the Els and along the surface routes.
- Although projections of patronage were based on a seven-day-a-week, 20-hour-a-day operation and the trains now run only weekdays for about 15 hours a day, the number of riders is already at 97 percent of the seven-day estimate.

Los Angeles' opportunity

On balance, historians may well hail BART someday as one of the greater engineering and public works feats of the second half of the Twentieth Century. It has spurred a revival of mass transit — even in Los Angeles — and may have reversed a general decline in the mass-transit industry that had persisted since the 1930's. Certainly, many of BART's problems can be blamed on BART being the first attempt in many years to build a public transportation system. The planners in Los Angeles would do well to examine the mistakes and reasons for delay. They might also consider finding a way to hire engineers without compensating their mistakes as well as their triumphs.

Still, the question remains: need it all have been so difficult? Los Angeles has an opportunity to prove that it need not.

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DO WE NEED A CZAR?

State lags in clearing the air

By Bob Simmons

The young woman's voice over the loudspeaker is calm but insistent. "We want you to move to the edge of the pool and sit quietly. No running, no playing, no exertion." Children wade casually out of the Pomona Park District pool. It's routine. "We are having a very bad smog attack," the voice continues. "We want you just to sit quietly until it passes."

It's late July in Pomona, and over at the Cal-Poly campus the Denver Broncos are supposed to be getting their pre-season lumps on the practice field. The field is empty. No scrimmage today. Postponed until sundown. "We never saw anything like this stuff," trainer Alan Hurst exclaims. "The guys can't run. Their eyes hurt. Their lungs hurt. They throw up. They can't remember their plays."

In the Sacramento office of the California Air Resources Board, Dr. Jan Arie Haagen-Smit leans back to talk about how it is to head the nation's best-known smog-fighting team. "You get a lot of pressure from the wild-eyed ones to 'do something', even if that something is no good. Mayor Lewis of Riverside comes up her and says, 'We live in deadly peril.' He knows damned well that's not true. The Riverside Chamber of Commerce shut him up. He was hurting business.

"We got the show on the road," Dr. Haagen-Smit reflects. "Now we have the exhaust devices; now you will see this working in a few years. The air is already getting better."

Another view

Notwithstanding his optimism, critics at the federal, state and local levels argue that the "show" is not on the road, that Haagen-Smit presides over an agency that has faded from national prominence into a strange kind of bureaucratic malaise, in which it inhibits rather than aids the smog-control effort. Some of the symptoms:

- No implementation plan to carry out the mandates of the 1970 Federal Clean Air Act. In the absence of such a plan the U. S. Environmental Protection Agency is required (and most willing) to force the State ARB to act, or to usurp its functions.
- No effort to obtain broader authority from either the legislative or executive branch to deal with the EPA challenge; indeed, consistent opposition to expanded research and regulatory legislation.
- No leadership in persuading other state agencies to work toward clean-air goals, with or without specific legislative direction.
- A disastrous attack of indecision suffered in attempting to require nitrogen oxide controls on cars.
- No state incentive to researchers in the private sector to develop smog-free engines or effective hardware for existing engines.
- Constantly deteriorating air quality, especially in the regions eastward from Los Angeles.

The demise of the ARB as an effective control agency might be blamed on the lack of aggressiveness of the board members. The five members are expected to serve only half-time, and are paid accordingly. It might also be blamed on the timidity of the Reagan administration and the importance it attaches to reorganizing the executive branch in the name of unity. Some also see it as a problem of weak legislation, the ineffectiveness of the law that created the ARB.

Need to rebuild

Whatever the cause, the fact of its withering away is apparent even to the chairman, Dr. Haagen-Smit. Seeking to resign as soon as the Governor will appoint a successor, he wants to see the anti-smog system rebuilt, a tacit admission that it has not worked.

To replace the five-member board, he proposes an air-pollution czar (although he objects to the word — "it smells like the commissars and secret police"). This would be a strong figure at the top, who reports directly to the Governor and is not required to come to the Governor's Cabinet to argue for approval of policy decisions.

There's little to indicate that the rejuvenation of the board would occur in time to prevent the EPA from taking its place as the major air-quality regulating agency in California. From the time the Federal Clean Air Act was passed in 1970, the EPA pre-empted what had been the ARB's most important function, enforcing auto-emission standards. The Clean Air Act standards were — for the first time — tougher than those established by California.

The ARB calls the EPA standards unworkable. But the state board is only now preparing suggestions to make the act enforceable — three years after enactment. Last year, the EPA turned down as unacceptable California's proposals to meet the terms of the Clean Air Act. While admitting that portions of its own plan were unrealistic, EPA claimed that California had not progressed where it could have.

Dr. Haagen-Smit, a courtly, good-natured 70-year old with strong accents of his native Holland, seems unable to take the eager young men of the EPA seriously. He considers them uninformed, technically and

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politically. "Those people in Washington, they are out of touch with reality. They don't know that I can't tell the Legislature to pass those bills we need. I can't establish and run a transportation system. And the idea of land-use controls — do they think the Governor is going to give that to the Professor from Cal-Tech?"

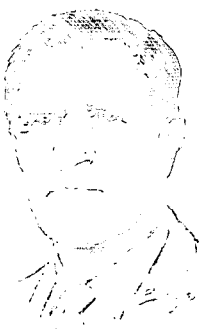
Legislative view

Legislators with an interest in giving the ARB the power it needs say Haagen-Smit and the board have failed to request it, and instead have discouraged legislative efforts.

Republican Senator Craig Biddle of Riverside, author of a mandatory auto-inspection bill passed by the Legislature this year, tells of the frustrations of pushing for tougher smog laws over the objections of the administrators. "You know when I first brought in a mandatory inspection bill? 1969. Four years! The Department of Motor Vehicles opposed it. The Highway Patrol opposed it. The ARB couldn't make up its mind . . . Meanwhile, I've had to run for re-election. I have to keep telling the voters it would be a lot worse in Riverside if it hadn't been for me. Why should they believe me? They look out the window and can't see Arrowhead."

Legislators, the EPA and some ARB members consider mandatory inspection — to see if the required smog devices are not only hooked up but working — to be vital to the anti-smog campaign. Haagen-Smit isn't all that enthused about it. "The gain from this is very small. A lot of cost, a lot of bother. And don't think for a moment that if we do this our problems are over."

The respected Cal Tech researcher, who first nailed the auto and oil industries with the blame for Los Angeles smog in 1949, was reluctant to take the ARB chairmanship to begin with. And his critics say his major concern seems to be peace and harmony, on the board rather than aggressively improving air quality. His critics — including some members of his own board — concede his captivating humor and personal charm. But, they complain, he lets board meetings drag on, and nothing gets done. Speakers with nothing to say drone on, because the chairman doesn't want to hurt their feelings.



Haagen-Smit's refusal to look beyond existing auto technology for possible solutions has been another source of criticism. Some legislators contend that this allows the auto industry to dictate the pace at which the state will move against its most critical environmental threat.

Even when the ARB attempts to regulate within existing technology, confusion can paralyze, as in the effort to enforce nitrogen oxide controls. Nitric oxide, produced by high-compression auto engines, oxidizes in sunlight to produce nitrogen oxide. It injures plants and the human respiratory tract, and reacts with other pollutants to form even worse compounds. Cars on southern California highways have been spewing out nitric oxides at an increasing rate. "It was about 250 tons per day in the Los Angeles basin when I started looking at it," Haagen-Smit recalls. "Last year it was up to 700 tons." Yet the ARB remained undecided until this year whether to require NOX control through devices that disconnect vacuum spark-advance mechanisms. Though Haagen-Smit had campaigned for NOX controls, he resisted pressure from the Legislature and especially from Legislative Analyst A. Alan Post, a frequent ARB critic — to impose them.

In 1971, the Legislature enacted NOX-control requirements for 1966-1970 autos. But early reports on the devices were full of cautions from the technical staff advising the ARB. The units could cause serious valve damage unless coupled with reconnect devices to prevent overheating. They would badly affect performance. There would be great public resentment.

The ARB voted approval of six NOX devices, to be installed on the 1966-1970 cars beginning July 1st of this year. Then came objections from a small group of legislators, led by Senator John Holmdahl of Oakland, worried about constituents' reactions to possible engine damage. Next, agency heads of the Reagan Cabinet sent a joint letter to the ARB citing the complaints and asking the board to "look seriously" at the probability of damage to the engines. The board refused, unanimously, to back down, but only two weeks later reversed itself and abolished the July 1st installation deadline for installation in urban counties — the Bay Area and Ventura County south.

The reversal came on the basis of what it called "new, serious evidence" from a group of Cal Tech students who studied reports from auto-repair shops and found what seemed to be a correlation between valve damage and disconnected spark-advance mechanisms. The evidence was far from overwhelming — valve damage showed up in four percent of the cars in which the spark advance had been disconnected — and the data seemed to ignore the possibility of other causes of valve damage.

The ARB voted, four to one, to postpone requiring the NOX devices until October 1st for autos being transferred from one owner to another, and until the January 1st-October 31st period (depending upon license numbers) for other cars subject to the act. Legislators who had publicly lauded the ARB for its original decision were left to explain to constituents why they had supported requirements that might damage auto engines.

Senator Biddle says the NOX confusion and other vacillations have cost the agency dearly in legislative respect. "There was a time when if I had a bill backed by the ARB, I knew it was going out. Now their credibility is sunk. Confidence in the ARB is so low that if I have a good bill I don't want them on it. You're better off without them."

Senator Nicholas Petris of Oakland calls the performance of the ARB a "terrible disappointment". "The board started with tremendous good will, especially with Dr. Haagen-Smit at the head. Our hopes were skyrocketing. Now we're very discouraged." Petris has tried repeatedly to provide state-sponsored prize money for inventors to encourage innovation in smog-free engines. The ARB has fought the legislation. Petris believes that incentives are needed because of the near-intolerable costs of researching and developing auto

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improvements independent of the major auto manufacturers. "The ARB has the duty to lead in solving this problem. But instead they always react negatively to what others try to do. They're in the same intellectual box as the auto industry. They think they have the exclusive wisdom and anything outside their perception is no good."

When Dr. Haagen-Smit's temper is roused, the accent strengthens, the voice rises. "All right, I send those kooky son-of-a-guns to *him* from now on! Let him take care of them. I lean over backwards to give them [the inventors] advice. They don't learn from my criticism. They're all paranoid. All think they've been done out of some money by General Motors. We don't need to offer prizes to anybody. A guy with a good idea will be picked up by the auto industry. They're not stupid."

'Play by the rules'

The growing paralysis of the ARB can be traced in part to the Reagan administration's insistence on full agreement on all policy questions, in the view of ARB member Gladys Meade. "For example, my feeling was very much in favor of mandatory inspection. But I am not to appear in favor of the legislation. That's an ARB rule. If I'm to be a member of the ARB, I play by the rules." (All members of the ARB serve at the pleasure of the Governor and can be removed at his discretion.)

When mandatory auto-inspection bills were first introduced this year, a Reagan administration task force, made up of spokesmen for all major departments involved, said the cost to consumers would outweigh the benefits. The task force estimated the time spent by the owners in taking the cars to check stations to be worth $80 million per year. It ignored the toll of smog damage in southern California's farm areas, where smog damage totals hundreds of millions of dollars every year. And so the task force came out against the inspection bills, but in favor of mandatory tune-ups. "How," asks Meade rhetorically, "can an agency enforce a mandatory *anything* without inspection?"

Meade shares the growing disappointment in the ARB's performance. "Dr. Haagen-Smit is one of the most charming people I've ever met. I dearly love him. But with his prestige — his record at Cal Tech, National Academy of Sciences, his reputation — he could have done so much. And under his chairmanship we have done so little."

At her insistence, the ARB began considering a plan to deal with smog emergencies as required in the Federal Clean Air Act. It still doesn't have one. But it did appoint a medical committee to determine at what point such an emergency episode plan should take effect. (The EPA tried to put into effect its own emergency episode plan in late July. It fizzled when the wind shifted and the pollution threat passed overnight. Thousands of Federal employees were kept away from work anyway, because once set in motion the plan could not be called off on short notice — evidence that the federal agency has bureaucratic problems of its own.)

As for the state's failure to formulate any implementation plan for the Clean Air Act, Meade points out that the ARB lacked authority to deal with several aspects, such as mandatory inspection, transportation systems and land-use controls. "But we could have *tried*. We could have worked with Motor Vehicles and the Department of Transportation to enlist their help in meeting the practical effect of the federal law — the spirit if not the letter.

"But it isn't our failure alone. It's the failure of the entire administration. If the will was there we could do it in a practical sense with the limited authority we have."

It is not a view shared by the Governor, however. "I think the board's been fulfilling its mission," Reagan commented, "and doing everything that it should do."

On July 5th the ARB had scheduled a public meeting with James Moe, director of the state Department of Transportation, and Norman Livermore, Secretary of the Resources Agency, to discuss ways of implementing the Federal Clean Air Act. "I gave up the July 4th holiday with my family to fly to Sacramento and prepare for the meeting," says Meade, who resides in Los Angeles. "But neither Moe nor Livermore showed up. Their staff people said only that they were 'unavailable'. The truth is they didn't want to meet in public, for public discussion of these sensitive issues."

Her ideas for strengthening the state's smog fighting machinery differ somewhat from those of Haagen-Smit. While the chairman believes that the ARB could be abolished in favor of a single individual, Meade would make the board a full-time agency, as is the Water Resources Control Board, whose effectiveness has been far greater than the ARB's.

With Haagen-Smit, Meade believes that there should be a cabinet-level Secretary for Environmental Protection reporting directly to the Governor. Under his or her control would be the boards for air resources, water resources and solid-waste control.

Loss of the hawks

The malaise that inhibits the ARB's efforts finds a parallel in the Legislature. "Used to be there were a dozen air-pollution hawks up here," Biddle recalls. "Then Pete Schabarum left [to become a Los Angeles County Supervisor] but there were others — John Foran and Wadie Deddeh in the Assembly, Nick Petris, Tony Beilenson and me in the Senate, and there were 120 potential votes for a good smog bill. Now Tony and Nick are disgusted with the way they've been treated by the ARB. Foran and Deddeh are getting fed up. So am I, but somebody has to try to get these things through. And my district has the worst air in the state. So I have to do it."

The falling away of legislative interest as well as administration interest suggest that there will be none of the changes needed to make the ARB work again. Meanwhile, the Reagan administration's insistence on departmental unity on occasion produces situations bordering on the ludicrous. The ARB's budget request for expanded research funds for this year totalled $3 million. Reagan cut that figure to $1.5 million in sending his budget to the Legislature. Assemblyman Walter Ingalls of Riverside drafted legislation to restore the other half of the research funds. But to maintain unity within the administration the ARB was forced to oppose the Ingalls bill — literally fighting its own budget request.

Having that issue thrust at him fractures Dr. Haagen-Smit's old-world urbanity. "Now you spoil my day," he says sadly. "Don't you think I blow my stack? Don't you think I have to deal with a cabinet?"

Suddenly rising, angrily wagging a finger: "All right, let me tell you something: Some day there comes an election! You understand? Comes an election some day! Isn't it? Isn't it?"

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Masters' redistricting outlook:

- Assembly – Democratic control, minor GOP gain
- Senate – Chance for key Democratic pickup
- Congress – GOP may lose a couple of seats

By Ed Salzman

The California reapportionment odyssey that began with the 1970 federal census in finally coming to a conclusion. After three years of excruciating legislative negotiations, bill vetoes by Governor Ronald Reagan and pivotal court actions, the state Supreme Court before the end of this year will establish the lines for the state's 80 Assembly, 43 Congressional and 40 Senate districts. The framework for the decision was set forth August 31st, when three special masters appointed by the court unveiled their redistricting recommendations.

Barring the unusual, the court-ordered reapportionment will not be altered until after the 1980 census, and thus will hold for the next four legislative and congressional elections. Within the next few weeks, the Supreme Court must decide these key questions:

- *Should the districts recommended by the masters be adopted as a whole, with minor revisions, or only after extensive changes?* Most redistricting specialists in the Legislature are predicting that the masters' plan will be accepted with little or no change, because it is virtually unassailable from a statistical or gerrymandering viewpoint. Although the proposal seems to give the Democrats an edge in Congress, in the Assembly and possibly in the Senate the Governor can hardly urge that the plan be rejected since it was his rigid stand against a variety of Assembly alignments that forced a court settlement of the issue.
- *Will all 40 Senate seats be contested in 1974, or will those Senators in odd-numbered districts be allowed to complete their four-year terms?* In the 1966 reapportionment, ordered by the court, all 40 seats were up for grabs. The court is expected to do the same this time because of the major changes in the numbering of districts and the area they cover.
- *Will the court find a way to waive the constitutional provision requiring a candidate to live in a district for one year before filing?* The special masters recommended the waiver procedure so that those Senators and Assemblymen who must move their homes to retain their constituencies — and there are quite a few — will not be shut out of office.

No great change

An analysis of the masters' proposal indicates that adoption of the plan would bring no great change from the present alignment in either the Congressional delegation or the Legislature. The Assembly, which now has a 49-31 Democratic majority, should remain Democratic with the Republicans gaining a seat or two. The Senate, now split 20-20, could go either way, but the Democrats have the better chance of controlling the house. California's Congressional delegation — currently 23-20 in favor of the Democrats — offers the Democrats an opportunity to gain one or two seats.

While the party alignment may not have been drastically altered, individual politicians will be greatly discomfited. Those who must merely move their residences to find safe political havens are fortunate compared to those who, under the masters' recommendation, may be left without a place to run.

ASSEMBLY

- Republican Floyd Wakefield, the Legislature's arch-enemy of school busing, found himself in a district dominated by the Watts area of Los Angeles, with its heavy black majority. Wakefield, who recognizes that he has no hope of defeating Democrat Leon Ralph in the district, has been talking about running for statewide office.
- March K. Fong and freshman Bill Lockyer, both Democrats were squeezed into the same Alameda County district. The problem can be resolved if Fong follows through with a plan to run for Secretary of State.
- As expected, Democrat John F. Foran was the victim as San Francisco lost one of its four Assembly districts.
- Two Republicans — Bob Wood of Monterey County and Robert P. Nimmo of San Luis Obispo — were placed in the same district, and one will be forced to look elsewhere for a political future.
- The roughest merger may be in the Fresno area, where two more Republicans, Ernest Mobley and Ken Maddy, are in the same district. Maddy can move to an adjoining heavily Democratic district, and he might change parties in an effort to survive.
- Two Democrats — veteran Harvey Johnson and freshman Joseph Montoya — are also thrust into the same district, and may face off in a bitter primary contest.
- In the rural north, Republican Ray Johnson may be out in the cold. He is talking about running in the northeastern mountain district against incumbent Democrat Pauline Davis.

SENATE

- In the northern rural counties, Democrat Randolph Collier and Republican Floor Leader Fred Marler Jr. find themselves in the same district. There is speculation that Marler will be given an appellate court appointment from Reagan.
- Democrat Lawrence Walsh, who comes from the

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NAMES AND NUMBERS

Masters: The report was submitted by three retired judges, Martin J. Coughlin, 71, an appellate justice from San Bernardino; Alvin E. Weinberger, 68, San Francisco superior court judge; and Harold F. Collins, 70, Los Angeles superior court. Coughlin, the presiding master, is a Republican. The others are Democrats.

Staff: The masters named Paul L. McKaskle, law professor at the University of San Francisco, as counsel and staff supervisor. He was assisted by Gordon E. Baker, professor of political science at the University of California at Santa Barbara, Perry L. Stauffer, a management consultant and computer specialist, three research clerks, and two secretaries.

Division of state: Before drawing lines, the masters divided the state into five basic regions — the 41 north coastal and interior counties, six Bay Area counties, three central coast counties, three central metropolitan counties, and the five southern counties.

Divided cities and counties: Although the masters attempted not to divide communities, they nonetheless split some. The Assembly plan divides 16 cities and six counties, the Senate proposal eight cities and two counties, and the Congressional scheme 11 cities and four counties.

Population: In no case does a district vary as much as two per cent from the ideal population indicated below:

Congress — Ideal, 464,486
Smallest, 463,521 or .21% off
Largest, 465,591 or .21% off

Senate — Ideal, 499,322
Smallest, 495,245 or 1.02% off
Largest, 508,903 or 1.92% off

Assembly — Ideal, 249,661
Smallest, 244,928 or 1.90% off
Largest, 254,507 or 1.94% off

same area as Wakefield, was thrust into a predominantly black district now represented by Democrat Mervyn M. Dymally. The district is hopeless for Walsh, who is looking elsewhere for a political future. He may end up in an Orange County district running against Republican George Deukmejian, who finds himself uncomfortably situated in the same Long Beach district as Democrat Joseph M. Kennick.

- Democrat Ralph Dills was placed in a Republican district, and there is speculation that he will move to tackle incumbent James Q. Wedworth in a volatile 28th District primary.
- In San Diego, Republican Jack Schrade will be dislocated and may find himself faced with a tough opponent, Democratic Assemblyman Bob Wilson.

CONGRESS

Because congressmen need not live in their district, Republican incumbents in southern California, for example, have more flexibility in finding reasonably safe districts. There are enough Republican seats so that each incumbent can have a district, though there may be some difficulty getting all seven incumbents to agree on who should run where. In any case, a Representative can hardly expect to win reelection from an area in which he is not known.

- That is the problem facing Republican Victor Veysey of Imperial County, who finds his present desert district shredded into three pieces. He probably would face difficulty defeating fellow Republicans Clair Burgener and Jerry Pettis. So he may tackle Democratic incumbent George Brown in a tough district for the GOP.
- In Los Angeles, Democrat Chet Holifield, 69, dean of the delegation, is thrust into the same district as Democrat George Danielson, 58. Holifield is expected to retire.
- Two Republicans — Burt Talcott of Salinas and William Ketchum of Paso Robles — were placed in the same district, and Ketchum is eyeing an open seat in the Bakersfield area.
- Another potential victim of the plan is Republican Bob Mathias, who must overcome the addition of some Democratic strongholds to his constituency.

'Free ride' eliminated?

The 1974 fate of California's cast of political characters will depend to a great extent on how the court rules on the residency requirements and whether Senators from odd-numbered seats must run ahead of schedule. This is because more than 20 legislators may change their legal residences in order to retain seats in Sacramento. In addition, if all Senators must run in 1974, there will be fewer upper-house prospects for statewide office — once the "free-ride" factors is eliminated.

In their report to the Supreme Court, the three masters rejected the Legislature's redistricting plans vetoed by Reagan because they "needlessly depart from the criteria of compactness and maintenance of county-line and city-line integrity." The Senate plan, which won the Governor's approval, was criticized on the additional ground that it raises "grave constitutional questions" involving population disparity and dilution of voting strength of black and Spanish-surnamed voters. The masters' plan would virtually guarantee election of a second Negro to the Senate, and the first Chicano.

Masters' criteria

In developing their plan, the masters established seven criteria: Districts must be equal in population. Territory must be compact and contiguous. Counties and cities must be kept as intact as practicable. Basic geographic regions must be held together. Social and economic communities of interest must be fairly represented. Senate districts will be formed by merging two adjacent districts. Congressional districts will be based on Senate districts, with necessary revisions. 1970 census tracts will be used as the basic unit of population.

The masters recommended that the court reject the concept advocated by the Legislature that the protection of incumbents be a pivotal element in redistricting. "While protection of incumbents may be desirable to assure a core of experienced legislators," their report states, "the objective of reapportionment should not be the political survival or the comfort of those already in office. It is best if an incumbent's continuation in office depended upon effectiveness and responsiveness to constituents rather than upon the design of district boundaries." In concluding, the masters suggest that their plan may result in fewer safe districts and more competitive seats. An analysis of the plan, however, indicates that only about 10 incumbents out of 163 will lose their seats as a direct result of it and that only a few more seats than usual will be up for grabs.

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ASSEMBLY

District	Location	Incumbents	D-R*	Outlook
1	Siskiyou, Trinity, Shasta, Modoc, Tehama, Glenn, Lassen, Plumas, ha f of Butte	Davis (D) R. Johnson (R)	59-36	Johnson could give Davis a rough time. LEANS DEMOCRATIC.
2	Del Norte, Humboldt, Mendocino, Lake, Sonoma (northern)		58-34	Keene will move here and probably win. LEANS DEMOCRATIC.
3	Colusa, Sutter, Yuba, Sierra, Nevada, Placer, half of Butte		55-39	Chappie plans to move here. SAFE REPUBLICAN.
4	Yolo, parts of Solano and Sacramento	Z'berg (D)	61-33	Some new area for Z'berg may pose problems in primary. LEANS DEMOCRATIC.
5	Sacramento	Powers (D)	61-33	Powers usually survives primary struggle. SAFE DEMOCRATIC.
6	Sacramento	L. Greene (D)	61-33	Improved for Greene. SAFE DEMOCRATIC.
7	El Dorado, Amador, Alpine, Calaveras, Mono, Tuolumne, parts of Sacramento and San Joaquin	Chappie (R)	56-38	Carter has his eye on this district. DOUBTFUL.
8	Napa, parts of Sonoma and Solano	Dunlap (D) Keene (D)	58-37	Dunlap will probably run for Senate. LEANS DEMOCRATIC.
9	Marin, part of Sonoma	Bagley (R)	51-39	Bagley says he will run for Controller, opening district. LEANS REPUBLICAN.
10	Contra Costa (eastern)	Boatwright (D)	54-41	Boatwright will face struggle. LEANS DEMOCRATIC.
11	Contra Costa (western)	Knox (D)	67-27	Easier than ever for Knox. SAFE DEMOCRATIC.
12	Alameda (northern) part of Contra Costa	Meade (D)	56-35	Meade should retain seat, despite adverse changes. SAFE DEMOCRATIC.
13	Alameda (northwestern)	Miller (D)	70-21	This heavily Negro district is a cinch for Miller. SAFE DEMOCRATIC.
14	Alameda (central)	Fong (D) Lockyer (D)	70-24	Fong has statewide plans, leaving district to Lockyer. SAFE DEMOCRATIC.
15	Alameda (southern and eastern)	Bee (D)	60-33	Despite health problems, Bee should win again. SAFE DEMOCRATIC.
16	San Francisco	Burton (D)	70-20	Better than ever for Burton. SAFE DEMOCRATIC.
17	San Francisco	Brown (D) Foran (D)	64-26	Brown shouldn't have any trouble. SAFE DEMOCRATIC.
18	San Francisco, part of San Mateo	McCarthy (D)	68-27	A cinch for McCarthy. SAFE DEMOCRATIC.
19	San Mateo (northern)	Papan (D)	59-34	Papan should win easily. SAFE DEMOCRATIC.
20	San Mateo (southern)	Arnett (R)	49-44	Familiar territory for Arnett. SAFE REPUBLICAN.
21	Santa Clara (northwestern), part of San Mateo		55-36	Vasconcellos will move here or to 23rd district. LEANS DEMOCRATIC.
22	Santa Clara (southern)	Vasconcellos (D) Hayden (R)	46-47	Easy for Hayden. SAFE REPUBLICAN.
23	Santa Clara (urban)		61-30	Solid Democratic district. SAFE DEMOCRATIC.
24	San Benito, Santa Clara (agricultural)		57-36	Open district, could go either way. DOUBTFUL.
25	Santa Clara (northeastern), part of Alameda	McAlister (D)	63-28	McAlister could have problems from strong Alameda County primary opponent. SAFE DEMOCRATIC.
26	Parts of San Joaquin and Stanislaus	Carter (R) Thurman (D)	62-32	With Carter moving to the 7th District, Democrat could win. LEANS DEMOCRATIC.
27	Most of Stanislaus and Merced		63-33	Thurman has announced he will move here. SAFE DEMOCRATIC.
28	Santa Cruz, part of Monterey	Murphy (R)	53-38	No problem for Murphy. SAFE REPUBLICAN.
29	San Luis Obispo, parts of Monterey, Santa Barbara	Nimmo (R) Wood (R)	54-40	Either Wood or Nimmo could win. LEANS REPUBLICAN.
30	Madera, Mariposa, part of Fresno		68-27	Maddy may move here and even switch parties. DOUBTFUL.
31	Most of Fresno, part of Tulare	Mobley (R) Maddy (R)	59-36	Mobley has done well in this area. SAFE REPUBLICAN.
32	Kings, most of Tulare, part of Kern	Duffy (R)	59-36	Solid Duffy territory, despite Democratic registration. SAFE REPUBLICAN.
33	Most of Kern	Gonzales (D)	59-36	Gonzales should repeat, but Nimmo may challenge him. LEANS DEMOCRATIC.
34	Inyo, parts of Kern, Los Angeles, San Bernardino		52-42	Russell will probably run. LEANS REPUBLICAN.
35	Most of Santa Barbara	MacGillivray (R)	51-40	MacGillivray always has trouble. DOUBTFUL.
36	Most of Ventura	MacDonald (D)	54-39	MacDonald seems to survive GOP attacks. LEANS DEMOCRATIC.
37	Los Angeles (San Fernando Valley), part of Ventura	Cline (R)	48-45	Cline may run for Senate. SAFE REPUBLICAN.
38	Los Angeles (Malibu Coast) part of Ventura		47-46	Priolo will move here. SAFE REPUBLICAN.
39	Los Angeles (eastern San Fernando Valley)	Keysor (D)	59-33	Keysor should have less trouble than usual. SAFE DEMOCRATIC.
40	Los Angeles (North Hollywood, Van Nuys, Reseda)	Moretti (D)	59-34	Moretti's gubernatorial bid should produce scramble. LEANS DEMOCRATIC.

*1973 registration statistics provided by the Assembly Elections and Reapportionment Committee staff.

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ASSEMBLY (continued)

District	Location	Incumbents	D-R	Outlook
41	Los Angeles (Burbank, Glendale)	Russell (R) Antonovich (R)	44-50	Russell will probably yield to Antonovich. SAFE REPUBLICAN.
42	Los Angeles (Pasadena, Glendale)	Lanterman (R)	41-53	Runaway for GOP. SAFE REPUBLICAN.
43	Los Angeles (Beverly Hills, Westwood)	Sieroty (D) Berman (D)	56-37	Sieroty will move. Berman should win. LEANS DEMOCRATIC.
44	Los Angeles (Santa Monica)	Priolo (R)	60-31	Sieroty could run here or in 45th. SAFE DEMOCRATIC.
45	Los Angeles (Fairfax Studio City)	Waxman (D)	62-29	Waxman may run for Congress. SAFE DEMOCRATIC.
46	Los Angeles (Wilshire, Silver Lake)	Warren (D)	57-33	Warren should win handily. SAFE DEMOCRATIC.
47	Los Angeles (Huntington Park)	B. Greene (D)	81-14	No chance for GOP. SAFE DEMOCRATIC.
48	Los Angeles (Watts, South Gate)	Ralph (D) Wakefield (R)	82-14	A cinch for Ralph; Wakefield exploring elsewhere. SAFE DEMOCRATIC.
49	Los Angeles (Culver City)	Dixon (D)	72-22	Easy for Dixon. SAFE DEMOCRATIC.
50	Los Angeles (Inglewood, Westchester)	Holoman (D)	67-27	Made to order for Holoman. SAFE DEMOCRATIC.
51	Los Angeles (South Bay)	Beverly (R)	44-47	Beverly in a breeze. SAFE REPUBLICAN.
52	Los Angeles (San Pedro)	Thomas (D)	59-33	Thomas headed for 18th term. SAFE DEMOCRATIC.
53	Los Angeles (Hawthorne, Gardena)	Bannai (R)	65-27	Bannai will be a Democratic target. DOUBTFUL.
54	Los Angeles (Compton)	McLennon (R)	74-20	McLennan is looking for a Senate district. LEANS DEMOCRATIC.
55	Los Angeles (Eagle Rock)	Collier (R) Alatorre (D) Garcia (D)	62-26	Chicano district, but Alatorre may run for Senate. SAFE DEMOCRATIC.
56	Los Angeles (Downtown, Commerce)		73-15	Garcia moving here. SAFE DEMOCRATIC.
57	Los Angeles (Long Beach)	Cullen (D)	58-34	No problem for Cullen. SAFE DEMOCRATIC.
58	Los Angeles (Long Beach)	Bond (R)	53-39	Bond should retain seat. SAFE REPUBLICAN.
59	Los Angeles (Alhambra, Monterey Park)	Fenton (D) Karabian (D)	63-30	Karabian, running statewide, leaves district to Fenton. SAFE DEMOCRATIC.
60	Los Angeles (El Monte, La Puente)	Montoya (D) H. Johnson (D)	64-28	Montoya and Johnson may square off in primary. SAFE DEMOCRATIC.
61	Los Angeles (San Gabriel, Arcadia)		41-52	Collier calls this home, but tough primary could ensue. SAFE REPUBLICAN.
62	Los Angeles (Covina, Claremont)	Lancaster (R)	47-46	Lancaster all the way. SAFE REPUBLICAN.
63	Los Angeles (Downey, Norwalk)		57-35	Gonsalves will take this seat. SAFE DEMOCRATIC.
64	Los Angeles (Whittier, La Mirada)	Gonsalves (D)	46-48	Up for grabs in the GOP primary. SAFE REPUBLICAN.
65	Los Angeles (Pomona) and San Bernardino (Ontario)		53-42	Open to all comers. DOUBTFUL.
66	San Bernardino (urban)	Quimby (D)	64-30	Ideal Democratic district, but Quimby may have rough primary. SAFE DEMOCRATIC.
67	San Bernardino and Riverside (rural)	Lewis (R)	47-47	Familiar constituency for Lewis. SAFE REPUBLICAN.
68	Riverside (urban)	Ingalls (D)	55-38	Ingalls couldn't have drawn it better himself. LEANS DEMOCRATIC.
69	Orange (Fullerton, Anaheim)	Briggs (R)	45-48	Solid Republican, but Briggs may run for Senate. SAFE REPUBLICAN.
70	Orange (City of Orange, Tustin)		38-54	Open GOP seat. SAFE REPUBLICAN.
71	Orange (Buena Park, Westminster)	Cory (D)	53-40	Cory could win here, but is eyeing bigger game. DOUBTFUL.
72	Orange (Santa Ana, Garden Grove)		49-42	Another open seat headed Republican. SAFE REPUBLICAN.
73	Orange (Huntington Beach, Costa Mesa)	Burke (R)	42-50	Burke has only the primary to worry about. SAFE REPUBLICAN.
74	Orange (Newport Beach), part of San Diego	Badham (R)	33-60	State's best GOP district. SAFE REPUBLICAN.
75	Imperial, desert parts of Riverside, San Diego	Seeley (R)	48-45	Improved for Seeley. SAFE REPUBLICAN.
76	San Diego (La Jolla, Del Mar)	Craven (R)	39-52	Democrats haven't a prayer. SAFE REPUBLICAN.
77	San Diego (Las Mesa, El Cajon)	Wilson (D)	47-46	Wilson could win, but hardly any other Democrat. DOUBTFUL.
78	San Diego (Mission Hills, Linda Vista)	Kapiloff (D)	49-41	Kapiloff in struggle for survival. DOUBTFUL.
79	San Diego (City of San Diego, Coronado)	Chacon (D)	59-32	Easy for Chacon. SAFE DEMOCRATIC.
80	San Diego (National City, Chula Vista)	Deddeh (D)	54-37	Deddeh runs far ahead of registration. SAFE DEMOCRATIC.

SUMMARY: 32 safe Democratic, 13 leaning Democratic, 23 safe Republican, 3 leaning Republican, 9 doubtful.

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SENATE

District	Assembly Districts	Incumbents	D-R	Outlook
1	1, 3	Collier (D) Marler (R)	56-39	A tossup if both run, but Marler may get judgeship. LEANS DEMOCRATIC.
2	2, 9	Behr (R)	53-39	Collier may run here; otherwise Behr should win. LEANS REPUBLICAN.
3	5, 6	Rodda (D)	61-34	Cinch for Rodda. SAFE DEMOCRATIC.
4	4, 8		61-34	Assemblyman Dunlap eyes this open seat. SAFE DEMOCRATIC.
5	16, 17	Marks (R)	66-25	Tough for any Republican, even Marks. DOUBTFUL.
6	18, 19	Moscone (D)	63-31	If Moscone runs for Governor, Marks could try here. LEANS DEMOCRATIC.
7	10, 11	Nejedly (R)	60-35	Could go either way if Nejedly runs for Congress. DOUBTFUL.
8	12, 13	Holmdahl (D) Petris (D)	61-32	Made to order for Petris. SAFE DEMOCRATIC.
9	14, 15		65-29	Holmdahl will probably move here and win. SAFE DEMOCRATIC.
10	20, 21	Gregorio (D)	51-41	Any Democrat but Gregorio would probably lose here. DOUBTFUL.
11	22, 23		59-33	Alquist will move here and find little opposition. SAFE DEMOCRATIC.
12	24, 25	Alquist (D) Bradley (R)	52-40	Bradley has had some close shaves lately. LEANS REPUBLICAN.
13	7, 26	Short (D)	58-37	Berryhill likes this district, especially if Short retires. DOUBTFUL.
14	27, 30	Berryhill (R)	64-32	Zenovich is ready to grab this one. SAFE DEMOCRATIC.
15	31, 32	Zenovich (D) Way (R)	58-38	Despite unfavorable registration, Way has always won. LEANS REPUBLICAN.
16	33, 34	Stiern (D)	55-41	Stiern, often a GOP target, manages to keep seat. LEANS DEMOCRATIC.
17	28, 29	Grunsky (R)	52-41	No problem for Grunsky, if he runs. SAFE REPUBLICAN.
18	35, 36	Lagomarsino (R)	50-41	Solid Lagomarsino territory. SAFE REPUBLICAN.
19	37, 38		48-46	Cusanovich eyes this district, as do others. SAFE REPUBLICAN.
20	39, 40	Cusanovich (R) Robbins (D)	59-35	A big improvement for Robbins. SAFE DEMOCRATIC.
21	41, 42	Harmer (R)	41-53	Easy for Harmer, or any GOP nominee. SAFE REPUBLICAN.
22	43, 44	Beilenson (D) Stevens (R)	58-35	A little rougher for Beilenson. SAFE DEMOCRATIC.
23	45, 46	Roberti (D)	60-32	Cakewalk for Roberti. SAFE DEMOCRATIC.
24	55, 56		68-23	A Democratic Chicano, possibly Alatorre, should win this open seat. SAFE DEMOCRATIC.
25	61, 62	Richardson (R)	43-51	Solid Richardson country. SAFE REPUBLICAN.
26	59, 60	Song (D)	64-30	Cinch for Song. SAFE DEMOCRATIC.
27	49, 50		69-26	Open district expected to choose black Democrat. SAFE DEMOCRATIC.
28	53, 54	Wedworth (D)	69-25	Dills may come to take on Wedworth. SAFE DEMOCRATIC.
29	47, 48	Dymally (D) Walsh (D)	81-15	If Dymally goes statewide, another black Democrat will win. SAFE DEMOCRAT.
30	51, 52	Dills (D)	50-43	Stevens moving here. SAFE REPUBLICAN.
31	57, 58	Kennick (D) Deukmejian (R)	55-38	Kennick is likely survivor. LEANS DEMOCRATIC.
32	65, 66	Coombs (R)	58-37	Coombs could face stiff competition. DOUBTFUL.
33	63, 64		51-43	Deukmejian, McLennan and Walsh all are eyeing this district. LEANS REPUBLICAN.
34	67, 68		50-44	Biddle only needs to move across the street to be back home. SAFE REPUBLICAN.
35	69,70	Whetmore (R)	41-52	Easy for Whetmore unless he has primary trouble. SAFE REPUBLICAN.
36	73, 74	Carpenter (R)	37-57	Carpenter all the way. SAFE REPUBLICAN.
37	71, 72		50-42	Another possibility for Deukmejian, but primary could be rough. LEANS REPUBLICAN.
38	75, 76	Stull (R) Schrade (R) Biddle (R)	42-51	Stull should be the survivor. SAFE REPUBLICAN.
39	77, 78		47-45	If Schrade runs again, it will be here. LEANS REPUBLICAN.
40	79, 80	Mills (D)	56-37	Senate leader Mills should win again. SAFE DEMOCRATIC.

SUMMARY: 15 safe Democratic, 4 leaning Democratic, 10 safe Republican, 6 leaning Republican, 5 doubtful.

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CONGRESS

District	Location	Incumbents	D-R	Outlook
1	Shasta, Siskiyou, Tehama, Trinity, Modoc, Butte, Sierra, Lassen, Plumas, Nevada, Placer, Yuba, Glenn, part of Sacramento	Johnson (D)	57-38	Johnson should repeat without difficulty. SAFE DEMOCRATIC.
2	Del Norte, Humboldt, Lake, Mendocino, Napa, part of Sonoma	Clausen (R)	57-38	No trouble for Clausen. SAFE REPUBLICAN.
3	Most of Sacramento	Moss (D)	60-34	Solid Moss territory. SAFE DEMOCRATIC.
4	Colusa, Sutter, Yolo, Solano, part of Sacramento	Leggett (D)	63-32	Leggett should win again. SAFE DEMOCRATIC.
5	Marin, chunk of San Francisco, bit of Sonoma	Mailliard (R)	57-34	Mailliard had a couple of close calls. DOUBTFUL.
6	Two-thirds of San Francisco	Burton (D)	69-25	Beautiful for Burton. SAFE DEMOCRATIC.
7	Most of Contra Costa	Waldie (D)	60-35	Nejedly could take this with Waldie leaving. DOUBTFUL.
8	Alameda (northern), part of Contra Costa	Dellums (D)	62-31	More difficult for Dellums. LEANS DEMOCRATIC.
9	Alameda (central and eastern)	Stark (D)	62-32	Freshman Stark should repeat. SAFE DEMOCRATIC.
10	Alameda (southern), Santa Clara (northern)	Edwards (D)	64-28	Familiar territory for Edwards. SAFE DEMOCRATIC.
11	Most of San Mateo	Ryan (D)	56-37	Ryan should hold seat. LEANS DEMOCRATIC.
12	Santa Clara (northwestern), some San Mateo	McCloskey (R)	51-41	McCloskey likes district, but still could have problems. LEANS REPUBLICAN.
13	Santa Clara (southern)	Gubser (R)	52-41	No problem for Gubser. SAFE REPUBLICAN.
14	San Joaquin, El Dorado, Amador, Alpine, Calaveras, Mono, Tuolumne, parts of Sacramento and Stanislaus	McFall (D)	57-38	Should fall to McFall. SAFE DEMOCRATIC.
15	Merced, Mariposa, Madera, part of Stanislaus and Fresno	Sisk (D)	64-32	Cinch for Sisk. SAFE DEMOCRATIC.
16	Santa Cruz, Monterey, San Benito, part of San Luis Obispo	Talcott (R) Ketchum (R)	52-41	Talcott territory. Ketchum will try elsewhere. SAFE DEMOCRATIC.
17	Kings, most of Tulare, part of Fresno	Mathias (R)	58-38	Potential trouble for Mathias. LEANS REPUBLICAN.
18	Inyo, Kern, parts of Tulare and Los Angeles (desert)		55-40	Ketchum has his eye on this district. LEANS REPUBLICAN.
19	Santa Barbara, parts of San Luis Obispo and Ventura	Teague (R)	51-41	Teague should win handily. SAFE REPUBLICAN.
20	Ventura (eastern), Los Angeles (northwestern)	Goldwater (R)	47-46	Solid Goldwater constituency. SAFE REPUBLICAN.
21	Los Angeles (San Fernando Valley)	Corman (D)	59-34	Corman's problem days appear over. SAFE DEMOCRATIC
22	Los Angeles (Burbank, Glendale)	Moorhead (R)	42-53	A Republican stronghold. SAFE REPUBLICAN.
23	Los Angeles (Encino, Beverly Hills)	Rees (D)	59-34	Rees should have no trouble. SAFE DEMOCRATIC.
24	Los Angeles (Hollywood)		58-34	Waxman covets this seat. SAFE DEMOCRATIC.
25	Los Angeles (Downtown, East Los Angeles)	Roybal (D)	67-23	Democrats wall to wall. SAFE DEMOCRATIC.
26	Los Angeles (Alhambra, Glendora)	Rousselot (R)	43-51	A Republican picnic. SAFE REPUBLICAN.
27	Los Angeles (Santa Monica Bay)	Bell (R)	46-46	More GOP territory. SAFE REPUBLICAN.
28	Los Angeles (Inglewood, Culver City)	Burke (D)	71-24	Easy for Burke or any Democrat. SAFE DEMOCRATIC.
29	Los Angeles (Watts)	Hawkins (D)	82-15	Most Democratic district in state. SAFE DEMOCRATIC.
30	Los Angeles (Monterey Park, El Monte)	Holifield (D) Danielson (D)	68-26	Holifield, dean of delegation, may be forced to retire. SAFE DEMOCRATIC.
31	Los Angeles (Hawthorne, Compton)	Charles Wilson (D)	70-24	Wilson need only get through the primary to repeat. SAFE DEMOCRATIC.
32	Los Angeles (San Pedro)	Anderson (D)	61-33	Anderson has a home in Congress. SAFE DEMOCRATIC.
33	Los Angeles (Whittier, Downey)	Clawsen (R) Wiggins (R)	51-43	Clawsen will probably run here. SAFE REPUBLICAN.
34	Los Angeles (eastern Long Beach), north coastal Orange	Hosmer (R)	51-43	Hosmer always runs strong. SAFE REPUBLICAN.
35	Los Angeles (Covina, Pomona, valley), west San Bernardino		50-45	This district could go to Wiggins. SAFE REPUBLICAN.
36	San Bernardino and Riverside (urban)	Brown (D)	59-35	Despite close call last time, Brown should repeat. LEANS DEMOCRATIC.
37	San Bernardino and Riverside (rural)	Pettis (R)	47-48	Only the primary could cause Pettis problems. SAFE REPUBLICAN.
38	Orange (Buena Park, W'minster)	Hanna (D)	52-41	Hanna runs ahead of registration. LEANS DEMOCRATIC.
39	Orange, Anaheim, Fullerton)		41-52	Hinshaw could run here or in 40th. SAFE REPUBLICAN.
40	Orange (southern), San Diego (northern)	Hinshaw (R)	35-58	Best GOP district in state. SAFE REPUBLICAN.
41	San Diego (Mission Valley)	Bob Wilson (R)	46-45	Cinch for Wilson. SAFE REPUBLICAN.
42	San Diego (southwest)	VanDeerlin (D)	57-36	Democratic core of San Diego. SAFE DEMOCRATIC.
43	San Diego (Del Mar, El Cajon), Imperial	Burgener (R) Veysey (R)	43-50	Veysey may have to run in Orange County. Burgener should win. SAFE REPUBLICAN.

SUMMARY: 19 safe Democratic, 4 leaning Democratic, 15 safe Republican, 3 leaning Republican, 2 doubtful.

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PROPOSITION ONE:

Who's playing politics with the tax limit?

By BRUCE KEPPEL

How deeply will the state be forced to cut existing programs if Governor Reagan's tax-limitation initiative is enacted at the special election he called for November 6th? Answer: the scope of any cutback will depend upon how much state revenue in the current fiscal year is counted for purposes of computing next year's expenditure limit. The revenue figure is crucial; it would be used to set state spending ceilings for each succeeding year that the limitation formula remains in effect.

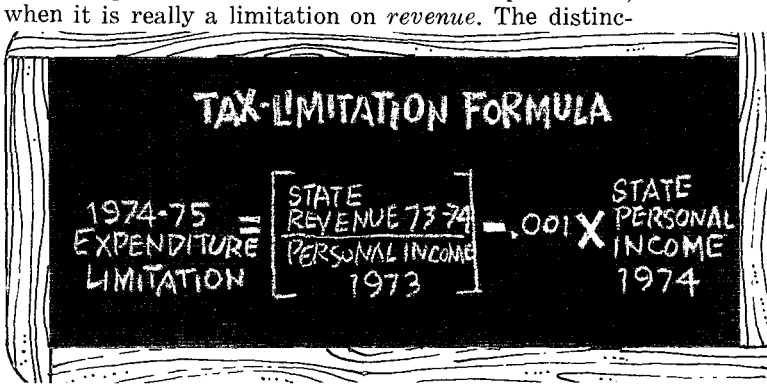
The importance of this figure underlies the unprecedented personal attack Reagan made on the nonpartisan Legislative Analyst, A. Alan Post, whose estimate of 1973-74 state revenue is far lower than that used by the proponents of Proposition One. Reagan, who has national aspirations for his scheme, charged Post with making "deliberate distortions", called the "supposedly nonpartisan" ballot analysis "neither an analysis nor is it nonpartisan," and asked Secretary of State Edmund G. Brown Jr. to reject it. (Brown declined, saying his staff had found that it "fully complies with legal requirements and provides an accurate picture of what the initiative will and will not accomplish.")

Reagan carried his attack on Post into the Legislature itself. His chief deputy finance director, Kenneth F. Hall, testified before the Assembly Ways and Means Committee that Post's analysis is "misleading, distorted, biased" and "reflects the fact he doesn't like the initiative." When challenged to refute Post's statistics, however, Hall demurred. But he promised to bring his own analysis with him when the committee meets this month.

When he does, it will be the first revision of the material published by Reagan's task force on March 12th in its so-called *Blue Book*, though both the initiative itself and economic estimates have changed substantially since. Consequently, aside from Post's studies, the last month was filled more with recrimination than with hard analysis. Among the developments:

- Secretary of State Brown announced that he had halted printing of the official ballot pamphlets, which contain the text of the initiative, a summary of it by the Attorney General, Post's 750-word cost analysis, and arguments for and against it. Brown, a likely Democratic candidate for Governor, charged Attorney General Evelle J. Younger, a likely Republican candidate for Governor, with failure to correct the measure's title and summary. Brown described these as "highly misleading", giving a "false picture of the proposition's impact."
- Brown also announced that the initiative's sponsors, Californians for Lower Taxes, had submitted a revised argument, mainly taking into account the fact that the Legislature had granted by statute a one-time income tax cut superseding the 20 percent rebate contained in the initiative.
- The next day, Brown reported that Younger had agreed to correct his summary, which also contained a reference to the 20 percent cut, and that the state's presses could roll again.
- Bryan W. Stevens, a San Marino teacher and president of the California Teachers Association, sued Reagan, on his own behalf, charging that the Governor "willfully looted" $161,318 in public funds to prepare and promote the tax-limitation initiative. Reagan denied the charge and pointed out that the Assembly Office of Research used public funds in preparing a study opposing the initiative. Nonetheless, he transferred $34,000 from his office to the unemployment disability compensation and other funds from which the money was originally drawn. He denied any impropriety in its use.

The most intriguing rhetoric, however, came from Reagan. To audiences up and down the state he repeated that among Post's "deliberate distortions" was his calling the measure a limitation on *expenditures*, when it is really a limitation on *revenue*. The distinction escaped economists, even within the administration, since the measure is clearly both. But Reagan is addressing voters who contribute revenue to the state, while the lawmakers whom Post addresses spend it.



The California Taxpayers Association, which reflects a business-industry viewpoint on government and supports the initiative, found no semantical problem. In a research bulletin explaining its support, CalTax observed: "While the proposed Constitutional Amendment speaks of revenue limits, the purpose of

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those limits, in the end, is to impose a limitation on expenditures."

Not much more substantial is the administration's response so far to Post's analysis of what the proposition would do to next year's budget, which will begin to be drawn up this month.

"To measure the impact," Post wrote in his analysis, "we first projected state expenditures, assuming a continuation of existing programs. We then compared that with the level of expenditures allowed under the limitation. The results show that substantial reductions in state expenditures will be required each year." For the first year, 1974-75, he noted, this would amount to $620 million.

To the Governor, Post's wording suggested that the 1974-75 budget would be $620 million less than the present budget, which Reagan conceded "could not be done." To avoid that confusion, Post agreed to insert the word "projected" before "state expenditures".

To embellish his point that next year's budget would be bigger than the current one, Reagan told a press conference that it would be a "reasonable guess" that next year's budget would be at least $400 million more than the present $9.38 billion. This, as it happens, is very close to Post's reckoning, which is that it would be $403 million more. Post's argument, however, is that normal growth to maintain existing programs would require $620 million more than than. When a reporter described the fiscal impact in those terms, Reagan readily conceded the point. "But obviously," he said, "if the implementation of the plan takes place, if the initiative passes, the budget is not going to be as big as the budget would be without the implementation." That, of course, is the point of the initiative.

Key figure

The significance of Post's most recent study, issued August 29th, is that it sharply cuts state revenue estimates. The revision based on legislative action since Post's original report of April 30th and on legal opinions from the Legislative Counsel (which the administration has so far chosen to ignore). The Governor had trimmed the estimated total state revenue base from the $9.76 billion in the *Blue Book* to $9.316 billion. (Whether the Department of Finance will reduce it further remains to be seen.) Post found it necessary to deduct a total of $831 million from the Governor's revised estimate, and explained the difficulty he encountered in doing so:

> Three kinds of problems exist in determining the 1973-74 revenue amount as defined by the initiative. First is the problem of legal definition of "revenues". We do not know precisely what state receipts are to be included in calculating a base revenue amount under the initiative.
>
> Second is the problem of determining the tax base. Because the state budget contains a surplus in 1972-73 and 1973-74, the state has enacted a six months' sales-tax reduction and a variable income-tax credit for 1973. Under the initiative, some but not all of the changes contained in that statute [SB 90] will reduce 1973-74 revenues for the purpose of calculating the expenditure limitation.
>
> Third is the problem that no one knows what the economy will do. There could be a slowdown in late 1973 or in 1974 which will decrease 1973-74 revenues.

That stated, Post outlined his deductions from the Governor's estimated revenue base as follows:

$293 million: Revenue generated by the Veterans Farm and Home Building Fund, which the Legislative Counsel ruled exempt.

$107 million: Revenue from the State Water Project, also ruled exempt.

$ 60 million: First-year effect of the 7½ percent income-tax credit allowed annually under the initiative, since no mention is made of it in the measure.

These deductions total $460 million. Post deducted another $371 million to account for the estimated revenue loss resulting from enactment of SB 90 in August, postponing the sixth cent of sales tax for six months, $216 million, and another $55 million reflecting the difference between the straight 20 percent credit in Proposition One and the variable credits enacted to supersede it (again following opinion of the Legislative Counsel).

This decreased the revenue base from $9.316 billion to $8.485 billion. As a result, the crucial percentage of state revenue to personal revenue that will be used to compute spending limits must descend even lower than the Governor's first revision, which dropped it from the 8.75 percent in the *Blue Book* to 8.35 percent. Post's calculation is that it is now 7.6 percent. Since this percentage is to be reduced by 00.1 each succeeding year, according to the initiative (see *CJ* special section, "The Reagan Tax Initiative," September 1973), until government spending is brought to 7.0 percent of personal revenue, only six years — and not 15 — will be needed to reach this goal, with proportionately more severe cuts in programs during those years.

In short, the lower the figure for state revenue in 1973-74, the lower will be the ratio of personal income taken to produce it. The lower the percentage, the shorter the life of the tax-limitation formula to determine what state expenditures can be each succeeding year.

Truth and consequences

To some supporters of the initiative such projections are less important than the fact of reducing government's capacity to tax. To them, the initiative is less a question of public finance and taxation than of political philosophy — a viewpoint that explains the lack of current economic documentation on the practical effect of the measure on governmental operations.

Cal-Tax's research bulletin, for example, calls the November 6th vote "more than anything else" a vote on "whether or not to put into action the principle that taxes can best be controlled by controlling expenditures". To Cal-Tax, "the real issue to which the proposition is addressed is that most people believe govern-

PAMPHLETS AVAILABLE

Copies of *California Journal's* eight-page Special Section on Proposition One, the Reagan tax-limitation initiative, are available at the following rates: Single copies, 50¢; 2-10, 30¢ each; 11-50, 20¢ each; 51 or more, 15¢ each. Payment must accompany order. Address order to *California Journal*, Special Section, 1617 10th St., Sacramento, California 95814. Please add five per cent sales tax.

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How the Legislative Analyst operates

The Office of the Legislative Analyst was conceived in the late 1930's, a period marked by increasing hostility between the legislative and executive branches. In 1941, when a bill to create an independent legislative fiscal office was passed, Democratic Governor Culbert Olson vetoed it on the advice of his Department of Finance, which held a monopoly on fiscal advice. The Legislature responded by creating a joint Legislative Budget Committee with a staff responsible only to the Legislature. Its purpose was set forth in Joint Rule 37:

> It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the house thereof concerning the state budget, the revenue and expenditures of the state, its departments, subdivisions and agencies, with a view of reducing the cost of the state government, and securing greater efficiency and economy.

The committee hired a Legislative Auditor and a small staff. Until 1951, when Republican Governor Earl Warren signed a bill similar to the one Olson had vetoed, the office was maintained by renewing the joint legislative rule that had created it on October 4, 1941. In 1957, the Legislative Auditor became the Legislative Analyst, and today the office employs about 50 professionals and operates under an annual budget of $.59 million.

Since its creation 32 years ago, the Office of the Legislative Analyst has earned a widespread reputation for its nonpartisan approach to generally highly partisan legislation, beginning with the annual budget bill. And, while disputes over interpretations of fiscal impact have arisen over the years with members of the Legislature (of both parties) as well as administrations (of both parties), not until Governor Reagan accused Legislative Analyst A. Alan Post of making "deliberate distortions" had anyone impugned Post's character.

Post, the Legislature's analyst since 1950, is a soft-spoken person considered to be a conservative in matters of fiscal policy (and, was once a registered Republican, though he no longer states a political affiliation). But he doesn't mince words in advising legislators of the fiscal implications of their contemplated action (or inaction). And he also stands behind his analyses and fully supports the work of his staff.

The office's management includes Post, a chief deputy, John Vickerman, and two deputies, Clinton M. Jordan and Arthur Buck Jr. The analysts are grouped in sections based on their fields of specialization: Tax, Expenditures, Natural Resources, Education, Health and Welfare, Law Enforcement and Courts, and Electronic Data Processing, Services and Transportation.

Analysts both do bill analyses and contribute to the staff budget analysis in their fields of specialty, regardless of the state agencies involved. (This differs from the Department of Finance, which, aside from being directed by political appointees, groups its staff by agency.) The Analyst's staff did almost 3,000 bill analyses this year, including the monumental *Analysis of the Budget Bill.* This bulky volume is the main source of recommendations to the fiscal committees of both houses as they review the budget drawn up by the Department of Finance.

On complex legislation, the analysts often work in teams. The tax-limitation plan is an example. The task was complicated because the fiscal experts of the Department of Finance did not contribute to the plan's development, which was, instead, the work of a special task force that relied upon outside help for economic and fiscal advice (see *CJ* January 1973, p. 9). Post formed a five-member team — drawing three men from the Tax Section and two from the Expenditures Section — to analyze the complex proposal when it was introduced in the Legislature as Senate Constitutional Amendment 12.

The Office of the Legislative Analyst is nonpartisan — or "nonpolitical" as Post says. It is its nonpartisanship rather than its expert knowledge that chiefly distinguishes the office's operation from that of the Department of Finance, whose considerable array of experts have periodically been scarred in the political wars that rage periodically between partisans of both branches of government. ("It makes it difficult for us," conceded a civil servant of long tenure. "I try to be as honest as I can. . . .") Post drew upon this nonpartisan tradition in declining to respond to Reagan's charges against him. "The Governor occupies a political office," he said. "I do not."

ment takes entirely too much, and does not spend what it takes wisely." How much a cut in state spending the proposition would force seems irrelevant to Cal-Tax. "If it generates *any* reduction, and if it encourages efficiency, that is more than the taxpayer can now hope for."

But Post, as Legislative Analyst, must look at the consequences of this political philosophy as it bears upon government programs. Reagan's position is that there will be money enough, under the initiative formula, to meet all state needs, and that no shift in cost to local governments can take place because the proposed constitutional amendment requires that any program the state imposes on local government be accompanied by revenue to pay for it. Pending the Department of Finance report this month, however, little statistical evidence has been advanced to support these assertions.

Because of the spending limitation, Post finds, wherever state costs can be cut most easily will certainly be most vulnerable in cases of squeeze. These, according to Post, include two tax-relief programs, both aimed at low-income people: the 1972 Renters' Tax Relief Program and the Senior Citizens' Property Tax Assistance Program. The initiative doesn't protect these programs to the same degree as other tax-relief programs. And, he adds, while the measure does impose a two-thirds vote of the Legislature to authorize a local income tax, it requires only a simple majority to raise the sales tax. Such differences, he says, render some programs more vulnerable than others. Among these, Post lists public-school support for compensatory and early-childhood education, state aid to students at private colleges and universities, elimination of state support for noncredit courses at community colleges, highway funds, and capital outlay.

It was these findings that triggered the unprecedented attack on Post's integrity. Pending proof of the charges from the Department of Finance, however, Post could take comfort in the immediate bipartisan defense the administration's attack generated within the Legislature. But his personal position was clear. "I don't debate governors," he said. "That's not my function."

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Busing issue faces the Supreme Court

By DENNIS CAMPBELL

Proposition 21, the so-called Wakefield antibusing initiative approved last November by 63 percent of California's voters, doesn't technically ban busing for desegregation purposes, but it does prohibit assigning students to schools merely to achieve racial balance. So far, however, the law's impact on the state's school districts has been, to say the least, uneven.

The act's language is direct enough: "No public school student shall, because of his race, creed or color, be assigned to or be required to attend a particular school." But giving precise legal meaning to those words is proving difficult. Consequently, some school districts are ignoring the law and going forward with affirmative integration plans, while in many of the districts where it is being heeded adversaries are taking the issue to court. So far, the judiciary has had little success clarifying the matter.

In February, Sacramento Superior Court Judge Joseph Babich rejected the contentions of a suit brought by Nathaniel Colley, western regional counsel for the NAACP, and declared the law constitutional. In July, however, San Bernardino Superior Court Judge Paul Egly accepted the same arguments and ruled the law unconstitutional. The Sacramento decision will be reviewed by the Third District Court of Appeal. Judge Egly's ruling, which requires San Bernardino schools to begin an experimental integration program next year, is expected to be taken to the appellate courts, as well.

Santa Barbara case

Ironically, a dispute in a school district that began its integration program before passage of the initiative may provide the California Supreme Court an early opportunity to settle the issue long before the Sacramento and San Bernardino cases have cleared the state's lower appellate courts. The court is scheduled to hear oral arguments in November on the law's constitutionality.

Last year, a Santa Barbara superior court blocked implementation of the Santa Barbara School District's desegregation plan, which entailed busing. The district carried the case to the state Supreme Court, which suspended the court order and allowed the plan to go into effect while it studied the case. All of this took place before passage of the Wakefield law, which now is Section 1009.6 of the California Education Code. The school district, the NAACP and the American Civil Liberties Union urged the Supreme Court to use the Santa Barbara case as a vehicle to rule on the constitutionality of the Wakefield law, contending that the Santa Barbara integration plan is directly at odds with Section 1009.6.

If the Supreme Court does rule on the Wakefield law in the Santa Barbara case, the Sacramento and San Bernardino cases will have a shadowy presence in the deliberation, for they illustrate the argument and counter-argument of the debate over the constitutionality of Section 1009.6.

Judges Babich and Egly disagree not so much in their reading of the Wakefield law as in their application to it of the 14th Amendment to the United States Constitution, which requires equal protection under law. That amendment has been the foundation of judicial involvement in school integration cases since 1954, when the United States Supreme Court in Brown *vs. Board of Education,* used the equal-protection clause to strike down the so-called separate-but-equal doctrine, which had sustained school segregation since 1896.

Those who oppose the Wakefield law contend that *Brown* and subsequent decisions outlawed all segregation in public schools. They point out that laws nearly identical to Section 1009.6 were declared unconstitutional in Alabama in 1970 and in North Carolina in 1971. In the North Carolina decision, Chief Justice Warren Burger concluded: "Just as the race of the students must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy." According to this view, any law, such as Section 1009.6, that prohibits the assigning of students by race to achieve integration must therefore be unconstitutional.

Supporters of the Wakefield law reply that *Brown* and later decisions outlaw only segregation imposed through direct action by a school district or some other state agency. Without state involvement, they contend, the protections of the 14th Amendment do not apply. School districts, they say, have no constitutional duty to eliminate racial imbalance that is the product only of neighborhood patterns. There is no constitutional right to attend a racially balanced school, they say.

Judge Babich found in the Sacramento case that there was no affirmative action by the school district to create racial imbalance. The Alabama and North Carolina laws, he said, were unconstitutional because they were intended to perpetuate discrimination that resulted from state action. That's not the case, he ruled, with the Wakefield law. "It is not the function of the courts," he added, "to determine whether the people's action in Proposition 21 was wise or foolish. Our only function is to determine whether it is constitutional. The court finds that it is." Judge Egly, however, found sufficient state involvement in the mere existence of the Wakefield law, and no distinction between it and the North Carolina and Alabama laws. "Any state act forbidding the assignment of children for the purpose of achieving racial balance is unconstitutional," he declared.

Will the state Supreme Court use its November hearing on the Santa Barbara case to resolve the conflicting interpretations of the constitution? Or will the court ignore the Sacramento and San Bernardino cases, at this point, and thus avoid for now the constitutional question? Since the court will have the chance to either reconcile Wakefield with the 14th Amendment or chuck it out entirely, some judges and attorneys suspect that the court will be unable to ignore the constitutional challenge.

The author, a law-school graduate, is a Sacramento journalist specializing in legal-affair reporting.

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The fascinating saga of Garibaldi, Bradley and the foreign banks

James D. Garibaldi

By JOHN BERTHELSEN

In case you missed the move to keep foreign banks out of California, stick around. If all goes as expected, the Assembly Finance and Insurance Committee will hold hearings on the question before the 1973-74 session resumes January 7th. Those hearings will represent the next chapter in a remarkable lobbying effort pitting the foreign-owned and big urban-oriented international American banks against smaller institutions without overseas aspirations.

The hearings result from two bills that failed to make it to Governor Reagan last month, though they created more of a fuss than many of the bills that did. The most important, AB 1777, authored by Democratic Assemblyman Leon Ralph of Los Angeles County, died August 28th under suspicious circumstances by a 2-6 vote in the Senate Insurance and Financial Institutions Committee. Of doubtful constitutionality (because of federal jurisdiction over foreign commerce) and opposed by some of the strongest banking interests in the state, AB 1777 was also opposed by the Reagan administration and the Federal Reserve, while the Department of State and several foreign countries watched nervously.

Armada of lobbyists

To assure its demise, the largest armada of lobbyists in years was assembled to cannonade it and a companion Senate measure. That group ultimately included a former Governor (Edmund G. Brown), a former U.S. Senator (George Murphy), and a former Nixon adviser (Robert Finch), as well as some of Sacramento's most persuasive members of the third house, or lobbying corps.

What attracted such interest were the hundreds of millions of dollars in investments — perhaps billions — that were at stake in passage of AB 1777 and its companion measure, Senate Bill 1145 by Republican Senator Dennis E. Carpenter of Orange County. The bills aimed to restrict growth of foreign-owned banks in California, and to do so by prohibiting:

> Any foreign banking corporation from beginning business in California, or from opening additional branches, unless the country of origin provides reciprocal banking privileges to American banks.
>
> Any foreign banking corporation affiliated with any "commercial, mining or industrial enterprise" from doing business in California.

The bills appeared to be aimed at Canada, which doesn't extend reciprocal banking privileges to American or other foreign banks, and at Japan, many of whose major banks are tied to large families of complementary industries called *Zaimatsus*.

The instigator of AB 1777 and SB 1145 was Michael Rafton, President and Chairman of the Board of Central Valley Bank, which is based in Oakland and doesn't do much business overseas. Rafton's relatively small, independent bank and similar institutions have been severely pinched by the aggressive trading practices of the Canadians and Japanese, especially, who are wooing and winning the Yankee dollar by providing lower interest rates on some loans and offering Californians such consumer-pleasing services as low-cost checking accounts.

The competition is felt less, apparently, in the big cities than in the small towns. As one banker observed, "It doesn't mean much when a new branch opens on Montgomery Street, but if you put a Sumitomo across the street from Central Valley in Visalia — then it hurts."

The dissatisfaction of the small domestic banks reached state Banking Superintendent Donald Pearson late last year, and Pearson ordered a study. This was in its early stages last April, when Central Valley's Rafton retained legislative advocate James D. Garibaldi to persuade Assemblyman Ralph and Senator Carpenter to introduce the bills that bear their names. The study was still far from complete on June 29th, when Pearson ordered a halt in granting charters to foreign-owned California banking corporations and refused to allow the present banks to open additional branches.

California's banking giants, which are hurt relatively little by the foreign banks, viewed the bills as a threat to their overseas operations. Two of these, Bank of America and Wells Fargo, began to lobby feverishly against them for fear that the bills' passage could trigger retaliation by the foreign nations in which these giants do business, particularly throughout the Pacific.

When the ban was ordered, Halden C. Broaders, a former judge who now lobbies for Bank of America, became more concerned over the bills, which until then had moved smoothly through the legislative mill.

Although Broaders couldn't stop them alone, over the summer an impressive array of advocates joined him in opposition — so many that Garibaldi quipped that the bills should be titled "The Lawyers' and Lobbyists' Relief Act", and spoke of a "Keep Sacramento Green Program".

Garibaldi, a former Assemblyman and judge from Merced, earns some $700 a day during legislative sessions representing clients such as Blue Chip Stamps,

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The author is a member of the Capitol press corps who specializes in investigative reporting.

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Rise of the Foreign Bank

The number of foreign banks in California has risen sharply over the last five years or so. Today, there are 16 such commercial institutions doing business in California. Three Japanese institutions, for instance, count 43 branches alone. And five of the 15 largest banks in California are controlled by foreign institutions, which control some $1.6 billion in assets in California.

California Association of Highway Patrolmen, California Court Reporters Association, Hollywood Turf Club, Pacific Outdoor Advertising Company, the Signal Companies, and the Wine and Spirits Wholesalers of California. (He reports spending $3,000 a month just entertaining in Sacramento's restaurants and bars.)

Chief among the opposition lobbyists was former Governor Brown, whose law firm reportedly was paid $25,000 to represent Tokyo's Sanwa Bank, which had several requests for charters pending. Former U.S. Senator Murphy also began calling from Washington to ask that the measure be killed, reportedly on behalf of Taiwan banking interests. And Robert Finch, President Nixon's former advisor, former California Lieutenant Governor and a possible 1974 Republican candidate for statewide office, intervened on behalf of First Western Bank, which is being sold by World Airways of Oakland to Lloyd's Bank of London. While Finch said he hadn't actually lobbied in Sacramento for his law firm, he added that the authors of both bills had assured him that they would accept amendments exempting the Lloyd's-First Western transaction from their legislation.

Other lobbyists included Hunt Conrad, representing Barclay's Bank of London for $10,000; Paul Lunardi, representing Bank of California, which was involved in a stock transfer with European Rothschild interests, for $5,000; Ross Buell, retained by Wells Fargo for $150 a day; and Jack Tomlinson, also representing Sanwa. Two Los Angeles attorneys also registered in Sacramento for the first time, Steven Francis Keller and Frank J. Burns, both retained (for $60 and $75 an hour, respectively) by eight Japanese banks. Burns, once a top aide to former Assembly Speaker Jess Unruh, startled some of the other opposition lobbyists with a plan to shunt AB 1777 to the Senate Rules Committee in an effort to kill it outright.

Bill moves out

Despite Burns' hopes, AB 1777 moved quickly out of Rules on August 15th and went to the Senate Insurance and Financial Institutions Committee, which considered it on August 28th.

There was another major worry for the banks, Pearson's ban. Pearson was rumored to be willing to lift the ban on foreign bank charters only if the Legislature gave a strong indication that it wanted it lifted. Killing the bills would be such an indication.

On the other side of the question, it was rumored that Reagan would be prevailed upon by the Department of State, the Federal Reserve and members of his own administration to veto the bill should it reach his desk. So Garibaldi, representing Central Valley, reportedly decided to try to guide AB 1777 to interim study, where it would wait until next year. Meanwhile, Pearson would keep the charter ban in force, thus accomplishing what Central Valley wanted in the first place — denial of further charters to foreign banks. (Garibaldi denies having had such a strategy.)

Parties to the conflict say that Senator Clark Bradley, chairman of the committee, conferred before the meeting with opposition lobbyists. At that meeting, Bradley apparently expressed concern over the massive influx of cash pouring into Sacramento to woo legislators, and he insisted that AB 1777 be disposed of one way or another: either it should be moved out of committee or killed, but it wouldn't be held over for interim study.

So, at 1:30 p.m., Bradley banged the gavel before a filled hearing room. Assemblyman Ralph was about to take up his bill when Bradley turned the gavel over to Vice Chairman James Q. Wedworth, and went to cast a vote in another committee, a common occurrence. When Bradley returned, it was just an hour before the Senate was due to convene. Consequently, Ralph hurriedly testified on the merits of his bill to ban the foreign banks, and called no witnesses. The opponents then gave their views.

Finally, Senator Alan Short of San Joaquin County told Ralph that since he hadn't been able to put on a full presentation he should return in a week with witnesses. Noting that Labor Day fell in that week, however, Senator Lawrence Walsh of Los Angeles County suggested that the bill be put over two weeks until September 11th. Short so moved.

Then Bradley, for years a foe of improper legislative procedures, banged his gavel. "Move the bill out," he said. There was no second, and several committee members noted that a motion was already before the body. "Move the bill out," the chairman repeated. And, over the objections of the members, Bradley ordered the secretary to call the roll. Six of the members — including Bradley — voted against Bradley's motion. Only two voted to send the bill to the floor.

Short and Walsh then moved a substitute motion to put the bill over for two weeks to let Assemblyman Ralph present his witnesses, but Bradley gaveled the meeting to an end, rose and left, leaving behind a pair of angry Senators who vowed to challenge Bradley on the Senate floor. When Short eventually had that occasion, a short debate ensued, and Bradley, almost musingly, observed that "it looks like you were short-changed." A furious Short shot back, "Yes! Yes, I was short-changed! I was!"

That proved to be high tide for the 1973 move to limit foreign banking in California. The next week, with the legislative pressure off, Pearson lifted the ban enough to grant the pending applications, while accepting no new ones. On September 21st, he lifted all restrictions.

In the last week of the session, when Carpenter took up his SB 1145 before the Senate Finance Committee, Chairman Randolph Collier of Siskiyou County tried to send the bill to interim study without a vote, but when that was challenged and stopped, Carpenter put the bill over until January.

On the Assembly side, Ralph introduced a resolution to have the Assembly Committee on Finances and Insurance conduct broader interim hearings into problems of the banking industry. No schedule has been announced for those hearings.

So, while Garibaldi's short-term strategy of keeping the charter ban in effect pending hearings failed, Central Valley's drive for a permanent ban on foreign banks remains quiescent but very much alive in the Legislature.

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WE'VE RUN OUT OF RIVERS

Finding water to keep California green

By Tom Harris

California, nearly out of wild rivers to dam for new sources of water, must now squeeze every usable drop out of what it already has on hand to meet the state's growing thirst. Management, rather than costly new development, will be the key resource tool of the future. Instead of massive new dams, which anger conservationists and permit heavy evaporation losses, water agencies want to store water in existing natural underground basins from which it can easily be recaptured. That plan has the double benefit of virtually cost-free storage and no evaporation losses. It may also get enraged conservationtists off the backs of dam-builders in the heated battle over the state's once vast and now dwindling wild-river system.

There are other equally important facets to this new era of the state's water history: In place of the administrative and other duplications of operating two of the world's largest water projects side by side — the state-owned California Water Project and the federal Central Valley Project — a merger is under top-level discussion; moreover, the Department of Water Resources is being reorganized from the constructing agency it was to the giant water utility or authority it has now become.

The trends have not yet fully meshed in a cohesive program for more quality control of the entire hydrologic cycle, but they are moving in that direction and — according to the following report — not a bit too soon.

It is nearly impossible to obtain an official figure on the total cost of water-project construction in the state, but it is sure to exceed $10 billion. Federal expenditures have already surpassed $2.6 billion for the CVP alone, with another $1 billion still sought for the controversial East Side Project in the San Joaquin Valley. The state has finished, at a cost of $3 billion, most of what the voters approved as the Feather River Project in 1960. The Peripheral Canal, yet to be built, and other transfer and conveyance systems are likely to add another $500 million to the grand total. Added to the figure are the expenditures of the Metropolitan Water District in Los Angeles, of San Francisco for its Hetch Hetchy system, of the East Bay Municipal Utility District to supply Oakland, Berkeley and environs, and of a score of other major municipal delivery systems.

Regardless of the total cost, however, there is no argument that the state is about at the end of its ability to tap surface-water supplies. The Klamath and Trinity are in wild-river classification now, and for 12 years so is the mighty Eel. They are the last three major systems water agencies were still eyeing before passage last year of Senator Peter Behr's wild-rivers bill.

Now, the focus on using and managing groundwater basins is becoming sharper with each passing month. A mid-September conference in Santa Barbara, the Ninth Biennial Groundwater Conference, was told that the state possesses a truly gigantic network of groundwater basins — zones interlaced with water-bearing sand and gravel aquifers — capable of storing up to 1 billion acre-feet of fresh, potentially top-quality water. That is enough water to fulfill the delivery commitments of the California Aqueduct for about 250 years. Or as much water as flows into the San Francisco Bay in about a century.

The author, a San Jose newspapersman, specializes in coverage of the environment. He wrote the article, "Californians Say 'No' to Growth", which appeared in the July issue.

Question of quality

Naturally, the plan is not to fill dry basins. Although groundwater use is hardly new in the state, many underground basins have not been tapped or seriously depleted. And those that have could now be refilled. Once saturated, the basins could provide an assured hedge against the inevitable dry cycles that will disrupt flows of fresh surface water through the huge water project canals in the years ahead. One potentially serious drawback to a plan to link such basins into a more consistent and sophisticated state water-management system, however, is that little is known about the true quality of muchr of the state's underground water.

At Santa Barbara, Dr. Harvey F. Collins of the Public Health Department's bureau of sanitary engineering, said that some 467,000 acre-feet of contaminated irrigation, industrial and domestic waste water and land-disposed sewage sledge finds its way into these basins every year. Most water agency officials agree with Collins that too little is known about the quality of the groundwater just when the state's need for it is beginning to assume vital proportions.

The capacity of the storage systems has already fired the imagination the Department of Water Resources, however. That agency is mounting a campaign to encourage rapid premature deliveries of state project water, especially to southern California, to fill up the basins and their aquifers. The department proposes to let water contractors take their full entitlements right away, although scheduled delivery is 10-20 years away. Two prime reasons are stated for the speed-up:

- The early deliveries would be taken only in years

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of heavy storm runoff from the northern rivers and shipped through the California Aqueduct to fill up the depleted southern basins, either by injection or percolation. Then, when a dry cycle comes and project deliveries have to be cut back to reserve the primary rights for the ecological systems of the Sacramento-San Joaquin Delta and San Francisco, southern customers could draw on their groundwater reserves.

- When the state project contracts were signed, hydro-electric power generated at the upstream dams was wheeled to utility companies for use at peak load times. In return, the project was allowed to buy back enough cheap off-peak electricity to handle its pumping demands to get the water uphill 3,400 feet from the Delta to the Tehachapi and then on to the terminal reservoir at Lake Castaic. But those power contracts terminate in 1983, and new ones with new rates will have to be negotiated then. The energy crisis, if it is not resolved by that time, could, according to early projections of the DWR, double and sometimes triple the cost of state project water to contracting agencies.

Environmentalists have not yet addressed themselves to this speedup in delivery schedules. When they do, they may well acuse the state of yielding to the temptation to bring the aqueduct to full capacity immediately now that it is built. Many of them made just such predictions years ago.

One of the points at issue in the battle over protecting the environment of the Delta region by reserving minimum flows sufficient to safeguard both water quality and the aquatic life chain was that the long period before full delivery would permit intensive study and documentation of the actual minimal environmental needs. If delivery schedules are speeded up, however, the time for such study may be sharply reduced.

W. W. Adams, chairman of the state Water Resources Control Board, which has won the praise of many environmentalists for its deliberations on the Delta and its water rights, harbors no fears over the possible speedup. "Some of the new data, in fact, leads us to believe our initial requirements may have been more demanding than necessary," he says. "I don't think this basin replenishment plan will endanger the Delta in any way. It's our job to see that it doesn't."

Adams is one of those applying pressure to accomplish the merger of the state and federal systems without changing the role or importance of his agency. "The role of our agency is well defined and won't change," he says. "We are the referee, the umpire of the water rights and water quality for everyone in the state."

A trusted advisor of Governor Reagan, Adams approaches the "thankless balancing act" realistically. "When they built that damn ditch to Los Angeles," he remarked in reference to the California Aqueduct during a recent interview, "it was no longer possible to make regional water decisions. That integrated the entire state. Now, what happens in San Diego affects the people of Oroville, and vice versa. We're always in the middle, trying to find the maximum beneficial uses of the water, and balancing them as best we can."

Need to merge

The proposed takeover, however, is more than the political power play some observers believe it to be. Adams sees completely integrated use of the state and federal works as a crucial need to the state's environment. "If meeting the Delta water standards fell on just the state project," he explained, "we just couldn't do it . . . . There isn't enough water for both the project and the environmental protection needs. We need all of the state's water to meet those standards, and we feel we have every right to them. It's impossible to implement our water-quality plans without this kind of coordination, and full use of all of our water."

The state has planted the seed of takeover or merger firmly in the minds of a federal Department of Interior task force that visited California this summer. "There is a possibility of merger," said Adams. "It all depends on the willingness of all of the people involved to sit down and work out the details. After all," he added, "the Central Valley Project was originally meant to be a state system anyway." (Though it was more than 53 years ago that California unveiled the CVP, the idea was finally supported only in 1933, and during the depression years bonds to finance it went begging and the state finally had to turn to the federal government to finish the job.)

With $2.6 billion already spent or committed, and another $1 billion waiting to be pumped into the East Side Project, the federal Bureau of Reclamation is not eager to abandon its empire. There is still the Auburn Dam and Folsom-South Canal on the American River, New Melones Dam on the Stanislaus River, and a variety of lesser "local projects" awaiting construction.

Whose water?

The merger talks may derive some additional impetus from pending court action launched by the state to decide, once and for all, the question of pre-eminence over state waters. The U.S. Department of Interior touched off the legal challenge when it brushed aside the state's attempts to regulate the flows within the CVP by stating: "We have concluded that the United States of America cannot be made subject to any terms or conditions imposed by a state agency . . . ." The recalcitrance was prompted by several consecutive decisions by Adams' water-quality board, starting with its contentious Delta Decision on July 28, 1971 (see *CJ*, January 1973, p. 11). That decision held that the flow of freshwater into the ecologically fragile Delta could not fall below a level necessary to sustain, and sometimes enhance, the rich biotic life chain. The bureau recoiled in jurisidictional indignation at the thought that its contracted water might go to fish instead of people.

Late in 1972, the state board set another precedent when it ordered the bureau to maintain minimum flows on the lower American River as well — enough to support a year-round fishery and boating use, and to enhance water quality for domestic use. The federal agency was again stunned, this time at having to use some of its water to provide navigable boating flows. It repeated its intention to ignore the state's "intervention".

The bureaucratic confrontation was crystalized in February when the state board ruled against full use of the proposed storage capacity behind the proposed New Melones Dam across the Stanislaus River. Charging that the bureau had not proved the need for more than 25 percent of the stored waters, the board placed that limitation on the project. The ruling preserved — at least for now — the incomparable white-water rafting run through the marble-lined Stanislaus River Canyon above historic Columbia. If implemented, it is almost certain to destroy what cost-benefit integrity the

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Readers respond to article on new attitude toward growth

◦ One point that is quite good [in Tom Harris' article, "Californians say 'no' to growth," *CJ*, July 1973] is the change in the definition of environment from the biological sense to that of self and lifestyle. This self-centered definition leads easily to bigotry and to exclusionary practices . . . There are more than a few folk masquerading as environmentalists who really are elitists and bigots.

In the discussion of the SAVE initiative in the Livermore-Amador Valley, Mr. Harris uses a very relative term when he says "their environment was becoming overcrowded." The valley has an approximate population of 100,000 people, and the land mass is capable of housing about 300,000, if properly planned . . . .

It is totally incorrect to say that "the ban challenged in court is still in effect [since] the ordinance has been thrown out as unconstitutional and is being appealed by the City of Livermore . . . .

One problem that Mr. Harris does not adequately address is the task of coordinating the many rulings and new laws from the state Legislature and state agencies . . . . Controlling growth is a good idea; how we get there is a different matter. In the case of Livermore and Pleasanton, the SAVE initiative was a poorly written ordinance, and the vote was more a reflection of voter frustration than an intent to stop growth . . .

SUSAN R. SCOTT
Committee for Rational
Valley Planning

The author replies:

That some people use the environmental movement for selfish and sometimes racist reasons is not the fault of the movement. The assumption that the Livermore-Amador Valley can easily hold 300,000 people and is in no way overcrowded will shock air- and water-pollution control officials, who consider the valley to have already overloaded its life-support system. The SAVE moratorium is still having an effect, though never formally implemented. Both growth and no-growth advocates in the valley concede that the legal cloud it casts has had a hand in holding up financing of several major developments. I have no argument with the statment that SAVE was weakly constructed and that proper long-range planning is the only sensible solution. But while weak councils procrastinate, frustrated citizens are increasingly initiating moratoriums.

◦ Your article misses an important point with respect to the actions of the state Water Resources Control Board. As indicated, where growth would directly contribute to a water-quality violation, regional boards can ban further connections to the sewer system. However, the purpose of the ban is not to control growth but to prevent further pollution . . . .

This distinction is important. California does not at this time have a land-use policy or regulations pertaining to growth. To overstate the board's position would misplace attention from the main question: Should there be controls on growth and, if so, who should implement them?

EVAN NOSSOFF
Information Officer
Water Resources Control Board

The author replies:

The article specifically points out that the board is involved in cleaning up the water and complying with state and federal impact considerations — not growth-control *per se*. The point unquestionably is important, which is why it was not missed.

project may have contained in the first place.

This time, the state went to court. If the state wins the action, merger would seem virtually assured, given the bureau's reluctance to subjugate itself to state control.

Other pitfalls

But there are other pitfalls beyond that of preeminence. One is the low subsidized cost of federal-contract water. Because of it, there is no feasible way the state could buy the CVP with its $2.6-$3.6 billion price tag. In fact, some already question the likelihood of there being enough revenue in the future to retire bonds already sold to finance the state's own gigantic system. Even if it could buy the CVP, moreover, there is no way the state could amortize the cost with the low federal rates already contracted.

And even if the CVP comes as a federal gift, there are problems. There would be certain opposition from environmentalists and small farmers, for example, to what would be a cancellation of the existing 160-acre federal limitation law. (The big land-owners were said to have been behind an abortive bid in 1951-52 to have the state take over the project. Had the move succeeded, these land-owners would have had full use of CVP water without having to sell off any holdings watered by the project after 10 years of service and at a price not reflecting the value of the publicly provided water. Under state CVP ownership, the limitation would be dropped and land-holdings would also certainly be further centralized.)

Reorganization plan

Finally, the question of reorganizing the Department of Water Resources is probably the least controversial. Before stepping down as director, William Gianelli proposed the appointment, by the Governor, of a five-member governing board similar to the water-quality board. Other moves would have to be made to streamline the construction-oriented department into the giant state water utility or authority that it has become, with much stronger operation capabilities than now exist. The DWR would continue to exist, apparently, but as a separate state agency, free to go on planning and constructing whatever other future water projects might become necessary.

Pressure is on

At current growth rates, even though they have slowed dramatically, California may have to find a way to defy the natural law of the hydrologic cycle. It might have to somehow squeeze more moisture out of the system than there is in it — unless this move toward more comprehensive and balanced management doesn't bear fruit, and soon.

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NEW SYSTEM AT WORK

A summary of '73 legislative activity

In those final, frantic hours before the Legislature adjourned before dawn September 15th, the legislative machinery was running full tilt. Hundreds of bills came to a vote with little or no debate . . . as usual. But this time there was a difference. Californians approved Proposition 4 last November, bestowing upon their Legislature a Congressional-type two-year session. What ended September 15th was merely act one, and the curtain will rise January 7th on act two of the 1973-74 Legislative Session, which will probably feature a replay of September since bills must clear their house of origin by January 30th or expire for the rest of the session. All other bills in the legislative pipeline remain alive, however.

The September frenzy was inspired by the lawmakers' concern that their successful bills take effect January 1st (although, as always, bills granted urgency status take effect immediately upon the Governor's signature). Bills passed from here on won't normally take effect until January 1, 1975.

Welfare dispute

One bill the Legislature failed to approve would have increased the welfare grants received by 500,000 aged, blind and disabled Californians January 1st when the federal government assumes administration of this program. Governor Reagan, who opposed the magnitude of the increases called for in the unsuccessful Democratic-backed legislation, promised that no grant will be decreased by the federal takeover. Under the new program, the grants from Washington will be less than those California now provides. Consequently, the legislators sought to fill in the difference and increase the grants, too. The legislation, AB 18 (Burton), cleared the Assembly but failed by two votes in the Senate.

The Reagan administration maintains that it can protect recipients from cuts in their grants by regulation alone, and even grant slight increases in most cases. Democratic leaders dispute this, and there has been talk of reconvening the Legislature before January, if necessary.

Death penalty

The best publicized legislative controversy resulted in enactment of a law to restore the death penalty for 11 categories of crime. SB 450 by Senator George Deukmejian of Los Angeles, which Reagan signed September 24th, will apply to convictions of crimes committed in California on or after January 1st. The Deukmejian bill followed up voter approval last November of a constitutional amendment restoring the death penalty, which the state Supreme Court had ruled unconstitutional.

Ironically, one of the Legislature's opponents of executions, Assembly Speaker Bob Moretti, played the key role in getting SB 450 to the Governor, an outspoken advocate of the death penalty as an effective deterrent to crime. Last spring, Moretti apparently concluded that if a death-penalty bill failed to pass, his bid for Governor in 1974 would be seriously damaged. The problem was how to spring such a bill from the Assembly Committee on Criminal Justice, a majority of whose members (appointed by Moretti) opposed the death penalty.

The death last May 21st of Chairman Robert Crown, who was opposed to the death penalty, gave the Speaker an opportunity to modify the committee, which Crown's death had left deadlocked on whether to pass out the bill it had before it. Moretti finally named Julian Dixon, a freshman legislator. Despite earlier opposition to executions, Dixon promised now to keep an open mind on the matter. The important thing for Moretti was getting some bill out of committee.

The eventual result was a bill in which life imprisonment had replaced execution. This allowed the death-penalty opponents to vote their consciences while satisfying the Speaker's political need to produce a bill. Once SB 450 reached the floor, the death penalty was quickly amended back into it — as Moretti himself had predicted. Moretti and others now could vote against it without thwarting popular enthusiasm for it. The Assembly quickly sent it to the Senate, which again approved it on September 10th.

Such parliamentary adroitness was not universally admired by Moretti's Assembly friends, who may have recalled the Speaker's well-publicized remark of last spring that a legislator is "not simply a mirror of public opinion, and the popular side is not always the right side." One disgruntled committee member, ironically one of his closest friends, suggested that SB 450 be titled "The Moretti-Deukmejian Death Penalty Act".

A summary of other major action follows. Reagan had 12 days after receipt of each bill passed by the Legislature to sign or veto it.

CONSUMER AFFAIRS

No-fault auto insurance. All bills on no-fault auto insurance remain bottled up in the Senate Judiciary Committee. The leading measure, AB 50 (Fenton), cleared the Assembly early.

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Household movers. Assemblyman Alan Sieroty dropped AB 930 designed to protect consumers against unscrupulous household movers after the state Public Utilities Commission adopted regulations tougher than his proposed legislation.

Drugs. Retail pharmacists would be required to post prices of the 100 most commonly prescribed drugs under AB 684 (Moretti) enacted by the Legislature. A companion bill, AB 581 (Burton), permitting pharmacists to substitute generic equivalents for brand-name drugs, is in the Senate Business and Professions Committee.

CRIME

Death penalty. The Governor signed SB 450 (Deukmejian) to restore capital punishment for specified murder, kidnapping, trainwrecking and assault offenses.

Picketing. The Legislature approved AB 964 (Brown) to rescind the so-called Simpson Act, which made it illegal to picket in the Capitol.

Marijuana. The Senate Judiciary Committee defeated AB 449 (Sieroty) to make all possession-of-marijuana offenses misdemeanors. These now can be treated as either felonies or misdemeanors.

Sexual conduct. On the Assembly inactive file is AB 992 (Brown), which legalizes all private sexual acts between consenting adults.

Exclusionary rule. Awaiting debate on the Senate floor is SB 1153 (Lagomarsino) to eliminate the rule that prohibits use of evidence gained through unauthorized search and seizure.

Drunk driving. The Legislature passed SB 1268 (Deukmejian) to make it harder for second-offender drunk drivers to escape jail sentences and decrease the jail term from five days to two.

Corrections. Despite an initial setback, SB 391 (Biddle), the Reagan administration's correctional reorganization act, is scheduled for consideration by the Assembly Criminal Justice Committee.

Victims. The Leigslature passed SB 149 (Behr) raising the amount the state can give to the victim of a violent crime from $5,000 to $23,000.

EDUCATION

Community colleges. Early in the session, Governor Reagan signed SB 6 (Alquist) pumping $65 million into the community college system and establishing property-tax limits for college districts.

Names. The governor signed AB 229 (Kapiloff) changing the names of a few state universities so that, for example, California State University, San Francisco, will now be San Francisco State University.

Tests. Reagan vetoed AB 368, (Brown), placing stringent limitations on use of scholastic aptitude tests.

Minimum salaries. AB 664 (Chacon), raising the minimum annual salary for a teacher from $6,000 to $7,500 has cleared the Assembly and is in Senate Finance.

ENVIRONMENT

Forestry. After a two-year battle, the Legislature enacted AB 227 (Z'berg) to govern timber-cutting on private lands through a board dominated by non-timber interests. Counties are authorized to set rules even more stringent than those contained in the bill. The bill had the support of the lumber industry, the Reagan administration and the Sierra Club, but not the Planning and Conservation League.

Energy. The Legislature enacted SB 283 (Alquist-Warren) creating a state Energy Resources Conservation and Development Commission to rule on applications for new power plants. Private utilities and the state Public Utilities Commission opposed it.

Tahoe. AB 1944 (Z'berg), passed by the Legislature revises the California Tahoe Regional Planning Agency, paves the way for creation of a bi-state Tahoe Conservancy Agency Compact, and appropriates $20 million for acquiring land in the Tahoe basin.

Bonds. California voters will be asked to approve a $250 million bond issue for construction of water-pollution facilities under AB 161 (McCarthy), enacted by the Legislature.

Flood control. The state makes an $8 million contribution toward a variety of flood-control projects under SB 399 (Lagomarsino) or AB 1409 (MacDonald), which were sent to Reagan.

Parks. The Department of Parks and Recreation would spend an additional $15 million to acquire 11 parcels of land under AB 688 (Z'berg), passed by the Legislature.

Pollution control. The Legislature enacted AB 542 (Knox) to clean up a 1972 ballot measure that established the California Pollution Control Financing Authority. The measure specifies that the authority is a governmental agency and that projects it finances are not, therefore, subject to property taxes until the bonds are retired.

Improvement authority. SB 1198 (Mills) creating the California Environmental Improvement Authority reached the Assembly Ways and Means Committee. The authority would get $100 million to help local government and private industry plan to improve the environment.

Land use. Assemblyman Paul Priolo submitted a "spot" bill, AB 2029, which is viewed as an early step in a campaign to create a commission with power over all land in California comparable to that exercised by the coastal commission over the shoreline. The bill has not moved out of its first committee.

FISCAL AFFAIRS

Budget. A $9.38 billion budget bill, AB 110 (Brown), was signed June 30th, the day before the start of the new fiscal year.

Taxes. After a prolonged battle, the Legislature enacted SB 90 (Dills), rolling back the sales tax from six cents to five cents for six months starting October 1st, and providing a sliding-scale income-tax rebate. The package totals $780 million in reductions made possible by a state surplus.

Heads of Households. The Governor signed AB 6 (Cline) giving single heads of households the same income-tax advantages as married couples.

Tax-preparers. The Legislature established a system under AB 320 (Knox) designed to eliminate fraudulent tax-preparation firms from operating in California.

Calamity. Under ACA 30 (Kapiloff), which will be on the ballot next year, an individual property-owner suffering loss from a misfortune or calamity could have his property reassessed. The calamity now must be major and located in an officially declared disaster area.

Coins. AB 711 (Fenton), which exempts from sales taxes major transactions in coins, was sent to Reagan.

Senior citizens. The Assembly Ways and Means Committee will act next on SB 15 (Petris) allowing welfare recipients to benefit from senior citizens' property-tax relief.

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Mortgage brokers. Legislation limiting fees and instituting new regulations on mortgage-loan brokers, SB 304 (Whetmore), cleared the Legislature.

Advertising. New penalties were enacted under AB 1200 (Fenton) for those who violate injunctions against false advertising.

Youth opportunity. The Governor last spring vetoed SB 700 (Marks) appropriating $24 million for the summer job program for neighborhood youth. These funds were designed to replace lost federal assistance.

HEALTH AND WELFARE

Welfare benefits. Technically, AB 18 (Burton) is still alive, although its companion measure, SB110 (Moscone) was killed in the Senate during the final hours of the session. Both were designed to provide improved benefits for the aged, blind and disabled.

Relatives responsibility. Governor Reagan vetoed AB 57 (Gonsalves), which would have rescinded a current law making Californians financially responsible for partial support of any close relatives receiving old-age assistance.

Child care. Although the Governor cut $17 million in child-care funds from the budget, he agreed to a $41 million package — contained primarily in AB 1244 and AB 451 (Moretti) — to keep child care and preschool programs alive for some 27,000 children.

Hospital licensing. SB 413 (Beilenson) started the year as a massive measure restructuring the state's hospital development system. As it passed the Legislature, it was much milder, providing for a system of quality review for health institutions.

Alcoholism. Some $12 million would be spent for a variety of anti-alcoholism programs under SB 204 (Gregorio), which was sent to the Governor.

Nursing homes. The Joint Legislative Committee on Aging successfully prosecuted a series of bills, starting with AB 1600, designed to improve the nursing home industry and provide better care for senior citizens.

School meals. The Legislature approved SB 1264 (Moscone) requiring districts to seek funds so that nutritious meals can be provided all students. The measure appropriates $28 million to help schools provide these meals.

Abortions. Lawmakers passed SB 1046 and SB 575 (both Roberti), which prohibit medical experimentation with aborted fetuses and allow Catholic hospitals to refuse to perform abortions. Nor can medical personnel be required to participate in abortions.

Medi-Cal. Participants in Medi-Cal are limited to 24 doctor visits a year instead of two a month under AB 705 (Brown), which was sent to Reagan.

Health care. Controversial SB 770 (Moscone) to provide a massive state medical-care plan is languishing in Senate Finance.

LABOR RELATIONS

Collective bargaining. A variety of bills giving public employees more negotiating power have been moving through the Legislature. The Senate passed SB 32 (Dills) giving public employees collective bargaining without the right to strike. The Assembly cleared AB 1243 (Moretti), which includes the right to strike. The Legislature passed SB 400 (Moscone) authorizing collective bargaining for school-district employees, without the right to strike but with binding arbitration to resolve some disputes. The Assembly passed AB 33 (Burton) granting more bargaining power to police and fire employees.

Insurance. The Legislature enacted a package of bills providing improved unemployment insurance, disability insurance and workmen's compensation benefits. The bills include AB 580 (Deddeh), AB 750-752 (Fenton), and AB 806 (Deddeh).

Farm labor. None of the proposals to bring peace to agricultural labor moved far. The leading measure, SB 493 (Zenovich), is in the Senate Industrial Relations Committee. The Legislature did pass AB 255 (Fenton) extending unemployment insurance to farm workers.

Discrimination. AB 478 (Brown), sent to the Governor, eliminates laws discriminating between men and women so far as hours and working conditions are concerned.

Safety. The Legislature passed AB 150 (Fenton) creating a new bureau to investigate industrial-safety violations and to add a system of fines for employers violating safety orders. It was inspired by the 1971 Sylmar Tunnel disaster. Another bill, AB 275 (Fenton), would make it a felony for an employer to cause the death of a worker through gross negligence.

LOCAL GOVERNMENT

Sacramento. Voters throughout the state will have a voice in the impending decision as to whether there should be a merger of the City and County of Sacramento. ACA 91 (Z'berg) allows the Legislature to specify how residents of Sacramento county should vote on the issue.

Local tax rates. Provisions of the 1972 Reagan-Moretti Tax Reform Act were revised in AB 2008 (Knox) so that local government will have more flexibility in setting property-tax rates.

Residence. AB 2223 (Berman), which was enacted, prohibits local governmental agencies from imposing residency requirements on employees.

Bay Area. A plan to establish a powerful regional government in the Bay Area, AB 2040 (Knox), cleared the Assembly and awaits a hearing in the Senate Local Government Committee.

Islands. The Senate Local Government Committee has jurisdiction over AB 973 (Knox), which allows cities to annex small islands within their boundaries without a vote of the residents or property-owners.

PUBLIC OFFICIALS

Reapportionment. The state Supreme Court is redrawing the state's legislative and congressional districts as a result of Reagan's veto of SB 195 (Zenovich-Harmer), a plan designed to provide the maximum number of safe seats for incumbents.

Disclosure. The Legislature enacted AB 703 (Waxman) providing strict new rules for the disclosure of campaign-contribution information.

Campaigns. The Senate Elections and Reapportionment Committee killed AB 362 (Waxman), which would have established a state Fair Campaign Practice Commission to investigate and publicize unfair political practices. A similar bill, SB 352 (Deukmejian), is in the Assembly Elections and Reapportionment Committee.

Conflict-of-interest. The Legislature passed SB 716 (Moscone) requiring public officials to disclose any property they own valued at more than $1,000 and any income, loans or gifts exceeding $250.

Open Meetings. Legislation specifying just which meetings of the Legislature and its committees can be

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closed to the public was passed as the Grunsky-Burton Open Meeting Act (SB 278). It requires that the conference committee on the budget open its doors to the public. A companion constitutional amendment, SCA 6 (Grunsky), will be on the ballot next year.

New Capitol. An act enabling the Legislature to proceed with construction of a new Capitol, AB 2572 (Brown), went to the Governor. It states that no final decision will be made without another vote.

Lobbyists. The proposed "California Lobbying Regulation Act" to place more stringent restrictions on legislative advocates was returned by the Senate to the Assembly in a form that guarantees a major battle next year. The bill, AB 1218 (Meade), now contains a provision that legislative reporters and even citizens seeking to influence legislators must also file financial statements.

Incumbents. Office-holders can use up to seven words in describing themselves on the ballot under AB 2092 (Karabian), approved by the Legislature.

Ombudsman. The Senate Finance Committee defeated SB 130 (Mills) to create a state office of citizen complaint or ombudsman.

Benefits. Two bills, SB 350 (Lagomarsino) and SB 196 (Grunsky), providing increased benefits to members of the Public Employees Retirement System were enacted. SB 940 (Grunsky), providing increased pensions for participants in the State Teachers' Retirement System, is in Assembly Ways and Means. Cost of the three-bill package is estimated at $100 million.

Judges. Under SB 217 (Deukmejian), passed by the Legislature, judges could leave the bench after five years of service and become eligible for pensions at age 63—or at 60, if they have 20 years of judicial service.

Private plans. Extensive hearings are scheduled on AB 2102 (Wilson) creating a state commission to oversee private pension plans. The measure is in Assembly Ways and Means. AB 2418 (McCarthy), which has advanced to the Senate Public Employment and Retirement Committee, requires annual disclosure of all investment transactions by each system.

TRANSPORTATION

Gas tax. Under SCA 15 (Mills), voters will have another chance next year to authorize the use of gasoline-tax revenues for mass-transit facilities. Under the constitution, these funds can now be used only for highways.

Southern California. A six-county South Coast Air Pollution Control District is formed under AB 2283 (Moretti) to control smog in the Los Angeles region. A vehicle-inspection system is established in the same area under SB 479 (Biddle).

Rapid Transit. The Legislature passed AB 1727 (Gonsalves) authorizing the Southern California Rapid Transit District to pass a bond issue by a simple majority vote instead of 60 per cent. The bonds would be repaid through a sales tax not to exceed three-quarters of one per cent. SB 205 (Walsh), also passed, requires the district to submit its plan for a rapid-transit system to the Legislature by next January 10th. The Governor signed AB 24 (Bee) abolishing the present 12-member appointive board of the Bay Area Rapid Transit District, replacing it with a nine-member board elected by the voters under a ward system.

Grade separation. An effort was made with SB 456 (Mills) to construct more grade separations by boosting state contributions to such projects from $10 million a year to $15 million and to increase the state's share of the cost of each project.

Car dealers. A new motor vehicle board would be established under AB 225 (Gonsalves), and manufacturers could not open new dealerships in a market area unless either dealers selling the same brands in the same areas or the new board approve the dealership.

Bay Area. The Bay Area Air Pollution Control District, now run exclusively by an appointive board, would be directed by a novel board consisting of both elected and appointive members under AB 2467 (Brown). The bill, enacted by the Legislature, calls for 13 elected and nine appointive board members. It also requires merger with a future regional government.

MISCELLANEOUS

Gambling. ACA 11 (L. Greene) to allow bingo games for charitable purposes died on the Assembly floor. ACA 18 (Ralph) to establish a state-operated lottery remains in the Assembly Constitutional Amendments Committee.

Smoking. Assembly Ways and Means defeated AB 202 (Briggs) requiring that no-smoking areas be established in all rooms of public assembly, including large restaurants, theaters and hospitals.

Tips. Employers are prohibited from deducting employee tips from wages under AB 10 (Greene), sent to the Governor.

Arts Commission. Under SB 121 (Gregorio), sent to the Governor, the California Arts Commission becomes primarily a grant-giving agency promoting the arts on a community-by-community basis. The bill appropriates $778,000 for matching grants.

Drinking. ACA 14 (Nimmo), which reduces the legal drinking age to 18, was killed in the Assembly Constitutional Amendments Committee.

Summons service. Senate Judiciary has AB 1528 (Murphy), which establishes a system of summons service by registered or certified mail.

Landlord-tenant. AB 1202 (Warren) establishing a detailed system of landlord and tenant rights based on recommendations of the National Commission on Uniform State Laws remains in Assembly Judiciary.

Housing. Under AB 1152 (Chacon), sent to the Governor, voters will be asked in November 1974 to approve a $200 million general-obligation bond issue for construction of low- and middle-income housing by a state housing agency. Another $300 million in revenue bonds can be issued. The measure also authorizes local governments to sell revenue bonds to provide low-income housing. A similar bill, SB 148 (Moscone), is in a joint conference committee.

Women's rights. The Legislature enacted AB 312 (Waxman), which gives women the same rights as men in obtaining credit. Also passed was SB 569 (Dymally), designed to eliminate discrimination against women in property rights.

Public utilities. Reagan vetoed SB 388 (Alquist) requiring the state Public Utilities Commission to conduct rate-increase deliberations in public. The Legislature also passed SB 389 (Alquist) requiring the PUC to conduct audits of utility firms and provide the information to the state Board of Equalization for use in assessing these firms. SB 370 (Alquist) which requires utilities to notify their customers of impending rate-increase hearings, awaits final action in the Senate.

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PEOPLE IN THE NEWS

San Francisco's budget analyst, **Harvey Rose,** has been named to succeed William Merrifield as state Auditor General. Merrifield, who was auditor since the legislative post was created in 1955, was fired in December. Rose 37, was formerly management examiner for the City of Los Angeles. The Auditor General's 60-member staff audits executive branch financial information for the Legislature. Assemblyman Vincent Thomas, chairman of the Joint Legislative Audit Committee, which employs the Auditor General, had criticized Merrifield for not being aggressive enough.

The state's director of tourism, **Bart W. Christensen,** resigned last month and, as the **Los Angeles Times** pointed out, the state Department of Commerce announced the fact in a two-page press release that included the name of the tourist-related management consultant firm he will head. The release went to a number of potential clients, including 141 local chambers of commerce, a practice the department's director, John K. Geoghegan, described as "pretty typical". It contrasted with a one-page announcement of Christensen's successor, **Gerald L. Baker,** who was elevated from manager of tourism development.

Los Angeles' former mayor, **Sam Yorty,** appeared at the Republican Central Committee meeting in San Diego last month to announce his conversion to the GOP, explaining that he had supported so many Republicans as a Democrat that "it was getting a little monotonous." Commented state Democratic Chairman John Burton, "They're welcome to the mayor."

The Legislature has decided to close the Washington office it opened in 1967, firing **William F. Lipman,** who has run it. Senator Donald Grunsky, chairman of the Legislative Budget Committee, explained that the move was no reflection on Lipman, 48. "We think we can get better results for less money by sending back consultants and experts when necessary," he said. The office budget was about $60,000, half of it representing Lipman's salary.

Chief Justice Donald R. Wright, who underwent corrective heart surgery last month at Presbyterian Hospital in San Francisco, was reported making an "excellent recovery" at home. Before entering the hospital, Wright appointed **Presiding Justice Gordon L. Files** of the Second District Court of Appeal to the California Judicial Council. Files replaced **Justice Harold W. Schweitzer,** who will retire as a judge on October 30th. Wright also appointed an advisory committee to assist the National Center for State Courts, which is reviewing the state appellate court system for the council. **Supreme Court Justice Stanley Mosk** is chairman.

The architect who was founding dean of the UC Berkeley College of Environmental Design, **William Wurster,** died September 19th in Berkeley. He was 77, and had suffered from Parkinson's disease. Wurster was also dean emeritus of UC's College of Architecture. To him, architecture was "a corridor with many doors opening into all aspects of humanity. It joins together many, many forces. I do not believe in embalming ideas. We, none of us, architects or others, have the privilege of building monuments to ourselves. Our work must be for people."

The United Farm Workers of America officially joined the AFL-CIO September 24th, and delegates to the union's convention in Fresno unanimously acclaimed **Cesar Chavez** as president. Delegates also approved a resolution calling on Congress and the Legislature to provide for secret ballots in representational elections. (The Legislature adjourned September 15th without completing action on a number of farm-labor bills.)

To replace **J. Allen Bray** of Oakland on both the bi-state Tahoe Regional Planning Agency and the California Tahoe Regional Planning Agency, Governor Reagan appointed Sierra Club member **Peter D. Hannaford** of Piedmont. Bray, who resigned, has served on the California agency since 1967 and the bi-state authority since 1970 when it was created. Hannaford, 41, president of an Oakland advertising firm, was an unsuccessful Republican candidate for Congress last November against Ronald Dellums.

Governor Reagan named **H. Allen Sisson** of Hollywood as chief deputy director of the Department of General Services. Sisson, 56, succeeds **Jack T. Baker,** who resigned . . . **Richard Ray,** a principal program analyst with the Department of Finance's budget division, was appointed deputy director of the Department of Consumer Affairs with responsibility for administration . . . **Harry L. Parrish** is the state's first chief of mass transportation as head of that division of the new Department of Transportation.

Superintendent of Public Instruction Wilson Riles named **Jack P. Liebermann,** 48, as chief of the Department of Education's Bureau of Management Services. Liebermann, who joined the department four years ago, replaces **Marion Sloss,** who retired . . . **Allen B. Lemmon** of Sacramento resigned last month from the state Air Resources Board because, he said, state law forbids his picking up retirement benefits earned as a state employee for 37 years while also receiving the $10,080 salary of a board member.

Governor Reagan's educational advisor for the last five years, **Dr. Alex C. Sherriffs,** was appointed vice chancellor for academic affairs September 25th by the California State University and Colleges trustees. The annual salary is $40,320, and the appointment took effect immediately. Before joining the Reagan administration, he served as UC Berkeley's vice chancellor, making headlines for banning political activity on campus — a decision that led to a student protest that eventually grew into the Free Speech Movement.

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California Journal/*NEWSBRIEFS*

Legislature to sift state laws for sex-bias provisions

Senator Mervyn Dymally will head a joint legislative committee charged with uncovering provisions in state law that discriminate by sex. The committee, created under a resolution authored by Assembly Speaker Bob Moretti, is to complete its task by 1975. Dymally described the task as being "to lead the way toward putting the Equal Rights Amendment into effect in California." The Legislature ratified the proposed amendment to the U.S. Constitution last year. He said early targets will be state criminal justice agencies and their divisions handling consumer protection. "We're not out to get anybody," he said, "but these areas need examination." Serving with Dymally will be Assemblymen Howard Berman and Walter Karabian, and Senators Alfred Song and Robert Stevens. Mari Goldman, Dymally's legislative assistant, is chief consultant.

Democrat Lockyer takes Assembly seat, ending GOP win streak

The Republican string of five consecutive special election victories was broken September 4th when Democrat William W. Lockyer, 32, won the 14th Assembly District seat of Robert W. Crown, who died in May. Lockyer, long-time administrative assistant to Crown and chairman of the Alameda County Democratic Central Committee, easily defeated Republican William McCall, former mayor of Alameda; and Robert Evans, Peace and Freedom Party candidate. The totals: Lockyer, 19,702; McCall, 11,536; Evans, 379.

The election of Lockyer brought the Legislature to full strength for the first time this year. As a result of seven special elections, the Republican Party made a net gain of two Assembly seats, those now held by Robert McLennan and Paul Bannai of Los Angeles County. Democrats are expected to make the McLennan and Bannai districts top targets in the 1974 election.

1973 Special Election Box Score

District	Seat of	Primary Date	Results
22nd S.D.	Carrell (D) Died	Jan. 30th	Alan Robbins (D) won in runoff,
38th S.D.	Burgener (R) Elected to Congress	March 6th	Assem. John Stull (R) won in primary
38th A.D.	Porter (D) Died	May 1st	Robert McLennan (R) won in runoff
67th A.D.	Townsend (D) Died	May 29th	Paul Bannai (R) won in runoff
80th A.D.	Stull (R) Elected to Senate	May 29th	William Craven (R) won in runoff
12th A.D.	Monagan (R) Washington appointment	June 12th	Doug Carter (R) won in runoff
14th A.D.	Crown (D) Died	Aug. 7th	William Lockyer (D) won in runoff
Statewide Tax Initiative		Nov. 6th	

Senate membership: 20 Republican, 20 Democratic
Assembly membership: 49 Democratic, 31 Republican

"Thank God all the special elections are over," observed Assembly Speaker Bob Moretti after Lockyer was sworn into office. "Will everybody please take extraordinarily good care of themselves?"

Federal council cuts state employees' 11.3% raises to 7% maximum

Though the Legislature and Governor Reagan agreed that state workers deserve an average pay increase of 11.3 percent, the federal government disagreed. The Cost of Living Council ordered that the average maximum increase not exceed 7 percent. (Exempt are 33,000 workers earning less that $3.50 an hour, and $16,000 University of California faculty members, who earlier won approval of 5.4 percent raises.) The 150,000 employees affected are Civil Service workers, state college faculty, nonacademic workers at both the university and state colleges, and legislative and judicial staff. The state is appealing the decision, which was based upon Nixon administration guidelines to check inflation.

To counter the cutback, the California Highway Patrol Association had one suggestion for its 6,100 members: Discontinue payroll deductions for U.S. savings bonds.

CALIFORNIA CALENDAR

Oct. 12	**Parks and Recreation Commission.** Room 310, County Administration Center, 1600 Pacific Highway, San Diego.
Oct. 16-19	**Board of Equalization.** Room 102, 1021 N St., Sacramento. 2 p.m.
Oct. 17-18	**Board of Governors of the California Community Colleges.** Airport Marina, Burlingame. 9:30 a.m.
Oct. 18-19	**Highway Commission.** Department of Transportation, 1120 N St., Sacramento.
Oct. 18-20	**Law Revision Commission.** International Hotel, 6211 W. Century Blvd., Los Angeles. 7 p.m.
Oct. 19	**Regents of the University of California.** University Extension Center, 55 Laguna St., San Francisco.
Oct. 25	**Council on Criminal Justice.** Host of Sacramento Airport Hotel. 9:30 a.m.
Nov. 2	**Social Welfare Board. Holiday Inn,** San Rafael. 9 a.m.
Nov. 4	**Parks and Recreation Commission.** San Francisco, site and time to be determined.
Nov. 8	**Fish and Game Commission.** Room B 109 State Building, 1350 Front St. San Diego. 9 a.m.
Nov. 8-9	**Board of Education.** Auditorium. State Resources Building, 1416 9th St., Sacramento. 9 a.m.

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Recent Significant Court Actions

The following are signicant court actions since the Journal's *September report:*

Annexation law held constitutional

The state Supreme Court upheld a city's authority to annex adjacent unincorporated areas without an election if fewer than 12 registered voters live there. The court's unanimous opinion in *Weber* v. *City Council of Thousand Oaks,* was written by Chief Justice Donald Wright. The court upheld the constitutionality of a 1939 statute that waives the requirement of voter approval when fewer than 12 registered voters live in the annexed area. The case reached the Supreme Court after the City of Thousand Oaks moved to annex approximately 20 acres, nearly five of which were owned by Nelson and Dorothy Weber. Another property-owner in the area had requested annexation, and the Webers' property was added to the proposal by the city planning department. The Webers were the only registered voters and only residents in the 20-acre area. They objected on the ground that city zoning regulations might interfere with their dog-kennel operation. They contended that the 12-voter statute deprived them of equal protection of the laws under the 14th Amendment to the United States Constitution.

The court rejected that contention, however, holding that the 12-voter distinction is reasonably related to a legitimate legislative process. The court noted that, even without the election, the Webers had a voice in hearings of the Local Agency Formation Commission.

Sex and the married teacher: dismissal upheld

Participation in a "swingers" club and teaching elementary school can be incompatible, according to a 5-2 decision of the State Supreme Court. It upheld the dismissal of an elementary school teacher, Elizabeth Pettit, holding that a teacher's indiscreet sexual misconduct is sufficient evidence of unfitness to teach. The decision, in *Pettit* v. *State Board of Education,* was written by Associate Justice Louis Burke, who was joined by Chief Justice Wright and Justices Marshall McComb, Raymond Sullivan and William Clark. Justices Mathew Tobriner and Stanley Mosk dissented.

Pettit and her husband belonged to a club that promoted a variety of sexual activity between members at private parties. An undercover policeman saw her engage in an illicit sex act in view of the other members. She was arrested and charged with oral copulation, but later pleaded guilty to a misdeamor charge of outraging public decency. She and her husband also had appeared in disguise on a television show to discuss unorthodox sexual behavior, but she apparently was recognized by another teacher. Several years later, her teaching credentials were revoked on the ground that her conduct at the party showed unfitness to teach.

Her conduct, Justice Burke concluded, "certainly reflected a total lack of concern for privacy, decorum or preservation of her dignity and reputation. . . . The board was entitled to conclude that plaintiff's flagrant display indicated a serious defect of moral character, normal prudence and good common sense."

In dissenting, Justice Tobriner contended that the commission of a private sex act "surreptitiously observed, not disclosed to fellow teachers or pupils," did not affect Pettit's ability to teach. Tobriner noted that she had taught mentally retarded children for 13 years. "One can ask for no better proof of fitness to teach than the record of consistent, capable performance," he wrote. "I submit that the majority opinion is blind to the reality of sexual behavior. Its view that teachers in their private lives should exemplify Victorian principles of sexual morality, and in the classroom should subliminally indoctrinate the pupils in such principles, is hopelessly unrealistic and atavistic . . ."

Court limits no-knock warrants

In a 4-3 decision, the court ruled that a magistrate cannot issue a search warrant that allows a police officer to enter a house without first announcing the authority and purpose. Justice Mosk wrote the opinion, joined by Chief Justice Wright and Justices Tobriner and Sullivan. Clark, McComb and Burke dissented.

The case, *Parsley* v. *Superior Court,* developed when police in Riverside received a tip that a house occupied by Arthur Parsley contained contraband narcotics. They obtained a search warrant that specifically waived the state Penal Code requirement that officers announce themselves before entering. Officers climbed through a window, found narcotics, and arrested Parsley and Elizabeth Hale.

The court declared that officers may ignore Penal Code requirements prior to search only in an emergency. Since there was no emergency situation in the Parsley case, the court said, charges against Parsley and Hale must be set aside. Dissenting, Justice Clark said sufficient emergency existed to justify such a warrant in this case because of Parsley's "habit of answering the door carrying a loaded 12-gauge shotgun."

Juror residence requirement is constitutional

The Fourth District Court of Appeal has upheld the constitutionality of a California law that establishes a one-year residence requirement before a citizen can serve as a juror. The unanimous opinion, in *Adams* v. *Superior Court of San Diego County,* rejected the findings of a superior court that the law is unconstitutional.

The case came to the appellate court after Irving Beall faced trial on criminal charges and contended that his jury should be selected from all citizens qualified to vote, and not just those who had also lived a year in San Diego County. (A year's residence in the county is not a prerequisite for eligibility to vote under California law.) The trial judge agreed, and ordered Beall's jury selected from the larger pool of those qualified to vote. Beall was acquitted, but Lawrence Adams, jury commissioner in San Diego County, appealed.
perior court order.

The appellate court found that the lower court lacked authority to order Adams to disregard the residence law, and that the one-year requirement is reasonable and constitutional. Beall's contention that "newcomers" to a county are discriminated against is invalid, it ruled, because "newcomers" aren't a distinct group. "They are too different from each other and too much like everybody else," the court concluded. Beall's acquittal is not affected.

—Compiled by Dennis Campbell

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VOTING RECORDS

Listed below are the votes of Senators and Assemblymen on recent major roll calls in the Legislature and a brief summary of the issues under consideration. Votes selected for inclusion are issues of major importance to Californians as a whole or issues on which there was a major division of opinion, or both.

Y—Yes *—Absent or Not
N—No Voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriation bills.

Assembly: 41 votes required for passage of bills requiring majority vote. ⅔=54 votes.

Senate: 21 votes required for passage of bills requiring majority vote. ⅔=27 votes.

SENATE

August 24th-30th

SB 702 (Carpenter) — Provides for open-space assessment of land subject to a wildlife-habitat contract restricting its use. Passed 21-13.

SB 509 (Dymally-Harmer) — Enacts Campaign Disclosure Law, revising campaign-reporting requirements. Passed 30-3.

SB 294 (Rodda) — Allows voter to register as "nonpartisan" as well as "declines to state". Passed 21-11.

SB 1424 (Holmdahl) — Prohibits Air Resources Board from requiring installation of certain pollution-control devices in 1966-70 model vehicles registered to persons until requested by two-thirds of county boards of supervisors in affected air basins. Passed 27-10.

SB 576 (Grunsky) — Appropriates $12,863,400 to State Scholarship and Loan Commission for medical students. Passed 27-10.

August 31-September 6th

SB 1086 (Nejedly) — Requires Adult Authority to meet within six months after a prisoner is delivered to the Department of Corrections and consider setting the term of imprisonment. Passed 23-9.

SB 391 (Biddle) — Reorganizes state correctional system. Passed 21-15.

SB 1290 (Dymally) — Appropriates $6 million for emergency health-care services for children receiving child care under federal or state programs. Passed 27-8.

SB 1198 (Mills) — Establishes Environmental Improvement Authority to give financial aid to public and private entities for environmental improvement activities. Transfers $155 million to administer the program. Passed 21-11.

AB 227 (Z'berg) — Enacts Forest Practice Act to govern forest practices and logging operations on private lands in state. Passed 23-1.

SB 110 (Moscone) — Enacts Aged, Blind, and Disabled Pension Act to implement supplementary Social Security payments under federal Social Security Act, and increases monthly grant to $253 per month for single recipients and to $506 per month for married couples. Failed 25-12 (27 votes required).

AB 1390 (H. Johnson) — Limits authority of school officials to expel or suspend any pupil who committed a drug offense to an offense committed at school or related to school activity. Failed 19-16.

September 7th-14th

AB 1597 (Murphy) — Permits nonprofit hospitals operated by religious bodies to refuse to perform abortions. Passed 28-0.

SB 450 (Deukmejian) — Restores mandatory death penalty for 11 specific types of crime. Senate concurs in Assembly amendments, 29-11.

SB 110 (Moscone) — Enacts Aged, Blind, and Disabled Pension Act (see description above). Failed for second time, 25-15.

AB 57 (Gonsalves) — Eliminates relatives' responsibility under Old Age Security program. Override of Governor's veto failed, 22-18.

AB 18 (Burton) — Enacts Aged, Blind, and Disabled Pension Act similar to SB 110 (see above). Failed 22-18.

AB 86 (Alatorre) — Requires state and local agencies to employ bilingual persons dealing with public. Passed 21-9.

AB 255 (Fenton) — Extends unemployment insurance benefits to farm workers. Passed 21-14.

AB 1177 (Fong) — Prohibits revocation or suspension of a teacher's credential for a single violation of the law relating to teaching sex education. Passed 21-18.

AB 964 (Brown) — Repeals so-called Simpson Act, prohibiting picketing in Capitol. Passed 23-13.

AB 212 (Alatorre) — Requires retail contracts to be available in Spanish as well as English where a retailer advertises in Spanish or does business in Spanish as well as English. Passed 23-12.

AB 105 (Deddeh) — Regulates late-payment charges on secured loans, and specifies that charges may not exceed 10 percent of installment due and that no charge may be imposed more than once for the same late payment. Passed 24-15.

AB 859 (Burton) — Provides that under Medi-Cal the liability of a medically needy adult or family person to contribute toward the cost of care must be assessed no more frequently than monthly. Passed 23-12.

AB 150 (Fenton) — Enacts Occupational Safety and Health Act, regulating industrial safety, and adopts regulations to comply with federal laws. Passed 27-7.

AB 1447 (Keene) — Removes minors in danger of leading an idle dissolute, lewd, or immoral life through another's actions from juvenile court jurisdiction. Passed 21-19.

AB 684 (Moretti) — Permits prescription drug prices to be advertised, and requires pharmacies to post the retail price of the 100 most frequently used prescription drugs. passed 22-12.

AB 752 (Fenton) — Increases maximum disability payment under workmen's compensation from $105 to $120 per week for temporary disability and from $70 to $77 per week for permanent injury. Passed 29-9.

AB 472 (Berman) — Permits teachers to use accumulated sick leave for pregnancy leave. Passed 21-14.

AB 2583 (Foran) — Authorizes issuance and sale of revenue bonds for making loans to finance residential rehabilitation in depressed areas. Passed 28-8.

AB 705 (Brown) — Gives Medi-Cal recipients up to 24 doctor visits and 24 prescriptions a year instead of two of each a month. Passed 21-13.

AB 2114 (Hayden)—Limits charges for prepayment of mortgages. Passed 21-16.

AB 790 (Garcia) — Requires employment of bilingual deputy registrars of voters and election officials, and deletes requirement that all proceedings at polls be in English. Passed 24-14.

AB 1973 (Murphy) — Removes lack of good moral character as a ground for denying a license by any boards in the Department of Con-

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SENATE	SB 702	SB 509	SB 294	SB 1424	SB 576	SB 1086	SB 391	SB 1290	SB 1198	AB 227	SB 110	AB 1390	AB 1597	SB 450	SB 110	AB 57	AB 18	AB 86	AB 255	AB 1177	AB 964	AB 212	AB 105	AB 859	AB 150	AB 1447	AB 684	AB 752	AB 472	AB 2583	AB 705	AB 2114	AB 790	AB 1973	AB 1152	AB 373	AB 1093	AB 580	AB 2283	AB 1727	AB 1324	AB 1797	AB 478	AB 1126	AB 2223	AB 153	AB 2284	AB 1218	AB 914	AB 254	AB 18
Democrats																																																			
20																																																			
Alquist	N	Y	Y	Y	Y	Y	N	Y	**		*	*	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Beilenson	N	Y	Y	N	N	*	*	Y	Y*		Y	Y	Y	N	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	*	Y	Y
Collier	N	N	*	Y	N	Y	N	Y	Y		Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y
Dills	Y	Y	Y	Y	N	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y
Dymally	*	Y	Y	Y	Y	Y	*	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	*	Y	Y
Gregorio	Y	*	*	N	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y
Holmdahl	N	Y	*	Y	*	Y	N	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	*	N	Y
Kennick	Y	Y	Y	Y	*	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mills	N	Y	Y	Y	Y	Y	Y	Y	N		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Moscone	*	Y	Y	Y	N	Y	Y	*	N		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	*	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	Y	Y	Y	*	*	*	*	*	*	N	*	N	Y
Petris	N	Y	Y	Y	Y	Y	N	Y	Y		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	*	Y	Y
Robbins	*	Y	Y	Y	*	*	*	Y	Y		*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	*	Y
Roberti	*	Y	Y	Y	N	Y	Y	*	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Rodda	N	Y	Y	N	Y	Y	N	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Short	N	Y	Y	Y	*	Y	Y	Y	N		Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	*	*	*	Y	*	Y	*	Y	Y
Song	Y	Y	Y	Y	*	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	Y
Stiern	N	Y	Y	Y	N	Y	N	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	N	Y	N	Y	N	N	Y	N	N	Y	Y	N	Y	Y	Y	Y	Y	*	*	N	N	N	Y	*	N	N	N	Y	*	N	Y
Walsh	Y	*	*	Y	Y	*	*	*	*		Y	Y	Y	Y	*	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	N	Y	Y	Y	Y	*	N	Y	Y	Y	*	Y	Y
Wedworth	*	Y	Y	N	N	*	N	Y	Y		*	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	Y	Y	N	N	Y	*	N	Y	N	Y	*	Y	Y
Zenovich	N	Y	Y	Y	Y	Y	N	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	Y
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Behr	Y	Y	Y	N	N	Y	Y	Y	**		*	*	*	N	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Berryhill	Y	*	N	Y	N	Y	Y	Y	Y		Y	N	N	N	N	N	N	N	N	N	N	*	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	*	N	N	N	N	*	N	Y	N	*	N	Y	N	*	N
Biddle	Y	*	*	N	Y	Y	N	Y	Y		N	N	N	N	N	N	N	N	N	N	N	*	N	N	Y	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	*	Y	Y	N	N	*	Y	Y	N	*	N	Y	N	*	N
Bradley	Y	N	N	N	Y	*	N	N	N		Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Carpenter	Y	Y	N	N	Y	N	Y	N	*		*	*	*	Y	N	N	N	Y	N	N	N	Y	N	N	Y	N	N	*	N	N	N	N	N	N	Y	N	N	N	N	Y	N	N	N	Y	N	Y	N	*	N	Y	*	N	N
Coombs	Y	N	Y	Y	Y	Y	Y	*	**		*	N	*	Y	Y	N	N	Y	*	N	**	N	N	N	**	*	Y	*	Y	N	**	*	Y	*	Y	N	N	N	Y	N	N	Y	Y	N	*	N	Y	N	Y	N	N
Cusanovich	Y	Y	N	Y	Y	*	N	Y	Y		N	Y	Y	N	N	Y	Y	Y	N	*	Y	N	Y	Y	Y	Y	*	N	Y	Y	Y	Y	N	N	N	N	N	Y	N	N	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	N	N
Deukmejian	N	Y	N	Y	N	*	Y	Y	N		N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N	N	*	N	Y	N	N	N	*	Y	*	Y	N	*	N	N
Grunsky	Y	Y	N	Y	Y	N	Y	Y	Y		Y	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y	Y	Y	N	Y	N	N	Y
Harmer	*	Y	N	*	*	N	N	N	Y		N	N	N	Y	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Lagomarsino	Y	Y	N	Y	Y	N	Y	N	N		Y	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Marks	N	Y	Y	Y	Y	Y	Y	Y	N		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	*	N	Y	Y
Marler	Y	Y	N	Y	Y	*	Y	*	N		*	N	N	Y	N	N	N	*	Y	N	*	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	*	Y	N	N	Y	Y	N	*	N	Y	N	Y	N	N
Nejedly	Y	Y	N	Y	Y	*	*	*	N		Y	N	N	Y	N	N	N	Y	Y	N	Y	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	N	Y	N	N	Y	Y	N	Y	N	Y	N	Y	N	N
Richardson	Y	*	*	*	N	N	N	*	N		N	N	N	Y	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	N	Y	N	N	N	Y	N	Y	N	Y	N	Y	N	N	N
Schrade	Y	Y	N	Y	Y	N	Y	N	N		Y	N	N	Y	N	N	N	N	N	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	N	Y	N	N	N	Y	N	Y	N	Y	N	Y	N	N	Y
Stevens	Y	Y	N	Y	Y	N	N	*	Y		Y	N	N	Y	N	N	N	Y	Y	N	Y	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	*	*	*	*	*	Y	N	Y	N	Y	N	N	N	N	N
Stull	Y	Y	*	Y	Y	N	Y	N	N		Y	N	N	Y	N	N	N	N	N	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	*	N	N	*	N	Y	N	Y	N	Y	N	Y	N	N	N
Way	N	*	*	N	Y	*	*	N	Y		*	N	N	Y	N	N	N	N	N	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	N	Y	N	N	N	Y	N	Y	N	Y	N	*	N	Y	N
Whetmore	Y	Y	N	N	*	Y	N	*	*		N	N	N	Y	N	N	N	N	N	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	Y	N	N	N	*	N	N	N	N	Y	N	Y	N	Y	N	N	N	Y	N

sumer Affairs regulating business and professions. Passed 21-11.

AB 1152 (Chacon) — Establishes State Housing Finance Agency to make loans for development of low- and moderate-income housing. Passed 29-9.

AB 373 (Brown) — Provides $40 renter income-tax credit instead of a $25-$40 credit, depending on adjusted gross income. Passed 21-14.

AB 1093 (Z'berg) — Declares state policy to be that employees shall work 8 hours a day and avoid overtime whenever possible. Passed 25-15.

AB 580 (Deddeh) — Increases maximum weekly unemployment insurance benefit from $75 to $90. Passed 28-7.

AB 2283 (Moretti) — Creates South Coast Air Pollution Control District and requires imposition of fees on stationary sources of air contaminants. Authorizes levying an additional fee of .1 cent per gallon of motor vehicle fuel, with net revenues allocated to the district governing board. Passed 24-13.

AB 1727 (Gonsalves) — Authorizes Southern California Rapid Transit District to issue limited tax bonds financed from a sales tax not to exceed ¾ percent. Passed 22-17.

AB 1324 (Ralph) — Provides that only the state Horseracing Board may change racing days and dates, and prohibits cities or counties from doing so. Passed 21-10.

AB 1797 (Keysor) — Revises procedures for voter registration, challenges of voters at the polls based on residence, and applications for absent-voter ballots to reflect abo-

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lition of residence requirements for voting and lowering of voting age to 18. Passed 24-11.

AB 478 (Brown) — Extends to men protective labor laws, now applicable only to women and minors, with the exception of the minimum wage law. Passed 28-6.

AB 1126 (Dunlap) — Extends jurisdiction of Fair Employment Practice Commission to employment discrimination based on a physical handicap. Passed 22-16.

AB 2223 (Berman) — Prohibits cities, counties and local agencies from imposing residence requirements on employees. Passed 21-14.

AB 153 (Boatwright) — Subjects banks to vehicle fees and licenses. Passed 24-14.

AB 2284 (Moretti) — Imposes civil penalty for air-pollution violations up to $500 for a first offense, $1,000 for a second offense, $2,000 for a third, $3,000 for a fourth, $4,000 for a fifth, $5,000 for a sixth and $10,000 for each additional offense in a year. Failed 12-19.

AB 1218 (Meade) — Requires legislative advocates to register with the Secretary of State or the Joint Rules Committee. Passed 21-18.

AB 914 (Gonzales) — Allows candidates to file petitions signed by a specified number of voters instead of paying filing fees. Failed 10-19.

AB 254 (Burton) — Requires state to pay Medicare benefits no longer paid by federal funds if recipients' resources fall below certain levels. Failed 20-16.

AB 18 (Burton) — Enacts Aged, Blind, and Disabled Pension Act to implement supplementary Social Security payments under federal Social Security Act, and increases monthly grant to $230 for aged and disabled recipients and $250 for blind. Failed 25-15 (27 needed).

ASSEMBLY

August 23rd-30th

AB 974 (Dunlap) — Requires state or UC to remain neutral in voting stock at stockholders meetings where the question is social or political in nature. Passed 41-31.

AB 2040 (Knox) — Creates Bay Area Regional Planning Agency, with veto power over some actions by cities and counties. Passed 41-25.

AB 1470 (Dunlap) — Establishes the right of county employees to inspect employment records relating to their jobs. Passed 41-25.

ASSEMBLY	AB 974 AB 2040 AB 1470 AB 1541 SB 388	AB 1243 AB 1250 AB 1457 SB 450 AB 2572	SB 400 AB 18 SB 148 SB 569 AB 1836	SB 1227 AB 2358 SB 1179 AB 88 SB 283	SB 702 SB 716 SB 1228 SB 1264
Democrats 49					
Alatorre	YYYYY	YYYNY	YYYYY	YYYNY	NYYY
Bee	YNYYY	YNNYY	YYYY*	YYNYN	Y*YY
Berman	YYYYY	YYYNY	YYYYY	YYYYY	NYYY
Boatwright	YNYYY	YYNYY	YYYY*	YYYNY	*YYY
Brown	YYYYY	YY*NY	YYYYY	*YYYY	Y*YY
Burton	YYYYY	YYYNY	YYYYY	YYY*Y	NY*Y
Chacon	*YY*Y	YN*YY	YYYYY	Y**YN	*YYY
Cory	YYYYY	YYYY*	YYY**	**Y*Y	YYYY
Cullen	NYYYN	YY*YY	YYY**	YYY*N	YYYY
Davis	NNYYY	N*NYY	YY*YN	YNNNN	NY*Y
Deddeh	YYYYY	YNYNY	YYYYY	NYNYY	NYNY
Dixon	Y*YYY	YYYNY	YYYYY	*YY*Y	*YNY
Dunlap	YYYYY	YYYNY	YYYY*	*YYYY	NYYY
Fenton	YYYYY	YY*YY	YYYYY	YYYYY	YYYY
Fong	YYYYY	YYYNY	YYYY*	Y*Y*Y	YYYY
Foran	YYYYY	YYNNY	YYYYN	NYY*Y	*Y*Y
Garcia	YYYYY	Y*YYY	YYYYY	Y*Y*Y	*Y*Y
Gonsalves	YYYYY	YYNYY	YYYYY	YYNYY	Y*YY
Gonzales	Y*YYY	YYYNY	YYYYY	YYYYY	*YYY
Greene, B.	YY*YY	YYYNY	YY*YY	YYY*Y	*YYY
Greene, L.	YYYY*	Y**YY	YYY*Y	YYYYY	Y*YY
Holoman	YYYY*	YYYNY	YYYY*	**Y*Y	*Y*Y
Ingalls	YYYYY	*YYYN	YYYYY	YYYYY	NYYY
Johnson, H.	YYYY*	*YYYY	YY*Y*	*Y**N	YYYY
Kapiloff	YYYYY	YYYNY	YYYYN	YYYNY	NYYY
Karabian	YYYYY	YY*YY	YYYYY	YYYYY	YYYY
Keene	YN*YY	YYYYY	YYYYY	Y*YY*	YYYY
Keysor	YYYYY	YYYYY	YYY*Y	YYYNY	YYYY
Knox	YYY*Y	YYYNY	YYYYY	YYYYY	YNYY
Lockyer	*****	*****	YYYYY	YYY*Y	NYYY
MacDonald	YYYYY	N*Y*Y	YYYYY	N*NYY	NYYY
McAlister	NNYYY	YNNYY	YYYYY	YYNNY	YYYY
McCarthy	YNYYY	YYNNY	YYYYY	Y***Y	YYYY
Meade	YY*YY	YYYNY	YYYYY	Y*Y*Y	NYYY
Miller	YNYYY	***N*	YYY**	Y*Y**	***Y
Montoya	Y*YYY	Y**YY	YYY**	NY*YY	YYNY
Moretti	YYYYY	YY*NY	YYYYY	YY*NY	*YYY
Papan	NYYYY	YYNNY	YYYYY	YYN*N	YYYY
Powers	YYYYY	YYNYY	YYYYY	YYNYN	Y*YY
Quimby	*****	***YY	*****	****Y	NYYY
Ralph	YY*YY	YYYNY	YYYYY	**Y*Y	**YY
Sieroty	YYYY*	YYYNY	YYYYY	YYYNY	NYYY
Thomas	YYYYY	Y*NYY	*YY*Y	YYNYN	NYYY
Thurman	YYYYY	*Y*YY	YYYYY	NYNNN	YY*Y
Vasconcellos	YYYYY	*YYNN	YYYYY	YYYYY	*YYY
Warren	**Y**	YYYNY	YYYYY	YYYYY	YYYY
Waxman	Y*YYY	YYYNY	YYYYY	YYYNY	NYYY
Wilson	YYYYY	YNY**	YYYYY	NYY*N	NYNY
Z'berg	Y*YYY	YYYNY	YYYYY	NYYYY	NYNY

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AB 1541 (Ingalls) — Permits an absent voter to have ballot processed if returned to the precinct board of any polling place in the county of residence before polls close. Passed 51-18.

SB 388 (Alquist) — Excepts rate increase proceedings from the deliberations that the Public Utilities Commission can conduct in secret session. Passed 53-10.

August 31st-September 6th

AB 1243 (Moretti) — Enacts Collective Bargaining Act for Public Employees giving public employees the right to form or join any employee organization, to bargain collectively and grants limited right to strike. Passed 41-30.

AB 1250 (Meade) — Creates Advisory Commission on Demography to recommend population goals and policies to guide state growth. Passed 41-25.

AB 1457 (Dunlap) — Authorizes issuance of hitch-hiking cards to persons meeting certain requirements. Failed 28-36.

SB 450 (Deukmejian) — Restores death penalty in 11 specific types of crime. Passed 52-25. (See Senate vote on concurrence.)

AB 2572 (Brown) — Provides for construction of new legislative buildings in Sacramento unless the Legislature decides to expand the present Capitol. Passed 61-14.

September 7th-14th

SB 400 (Moscone) — Grants collective bargaining rights to public school and higher education employees. (Does not authorize teachers to strike.) Passed 57-21.

AB 18 (Burton) — Enacts Aged, Blind, and Disabled Pension Act. (See description under Senate votes.) Assembly adopts Senate-Assembly compromise, 55-19.

SB 148 (Moscone) — Enacts Housing and Community Development Agency Act to finance low- and moderate-income housing. Passed 59-8.

SB 569 (Dymally) — Provides for equal management and control of community property by husband and wife. Passed 66-1.

AB 1836 (MacGillivray) — Establishes State Metric Conversion Commission for conversion to the metric system. Passed 58-9.

SB 1227 (Dymally) — Requires school districts to make athletic programs available equally to male and female students. Passed 42-25.

ASSEMBLY	AB 974	AB 2040	AB 1470	AB 1541	SB 388	AB 1243	AB 1250	AB 1457	SB 450	AB 2572	SB 400	AB 18	SB 148	SB 569	AB 1836	SB 1227	AB 2358	SB 1179	AB 88	SB 283	SB 702	SB 716	SB 1228	SB 1264
Republicans 31																								
Antonovich	N	N	N	N	*	N	N	Y	Y		N	*	Y	N		N	N	N	N		Y	Y	N	
Arnett	N	Y	Y	N	*	N	*	N	Y		N	*	Y	Y		Y	N	Y	Y		Y	Y	Y	
Badham	N	N	*	N	N	N	N	Y	Y		N	N	*	Y		N	N	N	Y		Y	N	*	
Bagley	*	*	Y	*	Y	N	Y	Y	N		N	*	Y	Y		Y	*	*	*		Y	Y	Y	
Bannai	N	N	Y	Y	*	N	N	Y	Y		N	*	Y	N		*	Y	Y	*		Y	Y	N	
Beverly	N	Y	Y	N	*	N	*	N	Y		N	N	Y	Y		Y	N	*	Y		Y	Y	Y	
Bond	N	N	*	N	*	N	N	N	Y		N	Y	Y	Y		N	N	N	N		Y	Y	N	
Briggs	*	*	*	*	*	*	*	*	Y		N	Y	Y	Y		N	Y	N	Y		Y	Y	Y	
Burke	N	N	N	N	N	N	N	Y	Y		N	N	*	N		N	N	N	N		Y	N	N	
Carter	N	Y	Y	Y	Y	N	Y	N	Y		Y	Y	Y	Y		Y	Y	Y	Y		Y	Y	Y	
Chappie	N	N	N	N	N	N	N	Y	N		Y	Y	Y	Y		*	N	*	Y		Y	Y	*	
Cline	N	N	Y	N	*	N	N	Y	N		N	N	*	Y		N	N	N	Y		Y	Y	N	
Collier	N	N	N	N	N	N	N	Y	Y		N	N	Y	N		Y	N	N	N		Y	N	Y	
Craven	N	N	Y	Y	Y	N	N	Y	N		N	*	*	*		*	*	*	*		*	*	*	
Duffy	N	N	N	N	Y	N	N	Y	Y		Y	N	N	Y		Y	N	Y	*		Y	Y	Y	
Hayden	*	Y	Y	Y	Y	Y	Y	N	Y		Y	*	Y	Y		Y	Y	Y	N		*	Y	Y	
Johnson, R.	N	*	Y	Y	Y	N	N	Y	Y		Y	Y	Y	Y		N	N	N	N		N	Y	N	
Lancaster	N	N	N	N	Y	N	N	Y	Y		N	N	Y	*		N	N	N	N		Y	N	N	
Lanterman	N	N	Y	*	N	N	N	Y	Y		N	N	*	Y		N	N	N	N		Y	N	Y	
Lewis	N	*	Y	N	*	N	N	Y	N		Y	*	*	*		Y	*	N	*		N	Y	*	
MacGillivray	N	N	Y	*	*	N	*	Y	Y		Y	Y	*	N		N	*	N	*		Y	N	*	
Maddy	N	Y	*	N	Y	*	*	Y	Y		Y	Y	Y	Y		*	Y	Y	Y		Y	Y	*	
McLennan	N	N	*	N	N	N	N	Y	N		N	N	Y	Y		N	*	N	N		Y	N	N	
Mobley	N	*	N	*	Y	N	N	Y	Y		Y	Y	Y	Y		N	N	*	N		Y	N	Y	
Murphy	N	N	Y	N	N	N	Y	N	Y		N	Y	Y	Y		Y	N	Y	N		Y	Y	Y	
Nimmo	N	*	*	N	N	N	N	Y	Y		N	N	Y	N		N	Y	Y	N		Y	N	N	
Priolo	N	N	*	N	Y	N	Y	N	Y		Y	Y	Y	Y		Y	*	Y	Y		Y	Y	Y	
Russell	N	N	Y	N	Y	N	*	N	Y		Y	N	N	*		N	N	N	N		N	N	*	
Seeley	*	Y	Y	*	*	N	N	Y	Y		Y	N	Y	Y		N	Y	Y	N		Y	N	Y	
Wakefield	N	N	*	N	N	N	N	Y	N		N	N	N	N		N	N	N	N		N	N	N	
Wood	N	Y	Y	Y	Y	N	Y	Y	Y		Y	Y	Y	Y		N	N	N	Y		Y	Y	N	

AB 2358 (Waxman) — Provides compulsory unemployment insurance coverage for county employees. Appropriates $732,415 to reimburse local agencies. Failed 42-22 (54 votes required).

SB 1179 (Beilenson) — Permits over-the-counter and vending-machine sales of prophylactics. Passed 42-26.

AB 88 (L. Greene) — Authorizes cities and counties to legalize bingo games to benefit nonprofit charitable organizations. Failed 34-21.

SB 283 (Alquist) — Enacts Warren-Alquist State Energy Resources Conservation and Development Act, establishing commission to assess energy situation. Passed 41-32.

SB 702 (Carpenter) — Provides for special open-space assessment of land subject to a wildlife-habitat contract restricting its use. Passed 49-17.

SB 716 (Moscone) — Requires annual disclosure by public officials of all investments in a business entity worth more than $1,000, a description of real property worth more than $1,000, and the source of income, loans or gifts exceeding $250 received in the previous 12 months. Passed 59-13.

SB 1228 (Dymally) — Requires State Colleges and Universities to divide funds for athletic programs as nearly equally as possible to male and female students. Passed 46-21.

SB 1264 (Moscone) — Requires school districts to utilize federal and state funds to provide meals for needy pupils. Declares state policy that no child shall go hungry at school. Passed 70-6.

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LETTER FROM WASHINGTON
By Lou Cannon

General at the helm

For those who believe that the fundamental danger to our civil liberties rests with America's military establishment rather than with its advertising agencies, the defense now calls former Gen. Alexander Meigs Haig Jr.

Haig, the decorated square-jawed veteran of two wars, took over the civilian job of White House chief of staff five months ago from adman H. R. Haldeman, who left with President Nixon's accolades ringing in his ears. When Haig entered the halls where Haldeman once walked, the predictions on his future seemed curiously misplaced. He was praised by Joseph A. Califano Jr., domestic advisor to President Johnson and former Democratic Party counsel, who called him "one of a new breed of Army officers who knows politics, international affairs and people," and added: "He is just right for the job at this time."

John Ehrlichman, Haldeman's fellow "finest public servant" and the man who performed the domestic advisor role for most of the Nixon first term, thought differently. "I don't think Al is the right man for that job, for all his qualities," Ehrlichman told a reporter shortly before he testified at the Senate Watergate hearings. "Bob Haldeman may not have been the indispensable man in the White House, but he was the closest thing to it."

After a cautious start, Haig has proven Califano and not Ehrlichman the prophet.

* * *

When Haig took the reins a week after the President's disastrous speech of April 30th, the White House was in even worse shape internally than it appeared from the outside. Top appointments throughout the administration were backlogged. Domestic programs were in abeyance. The congressional liaison lacked any direction. No one appeared to speak authoritatively for Nixon, and the President wasn't speaking at all.

Haig, after days of relative inaction in which he talked to every White House aide he could, made several changes. He discarded the tightly knit and hierachical Haldeman system in which aides were given only the information they "needed to know" for a specific job. In its place he made junior aides aware of broad policy considerations and solicited their recommendations. He enlarged the senior staff meetings and made certain that each person who attended their daily sessions had a chance to speak. He saw more reporters in a single week at San Clemente than Haldeman had seen in four years. And he gave aides who had never gained admittance to the inner White House circle what one of them described as "a sense of belonging."

Not all of the credit is Haig's alone. Some goes to the counsel of Bryce Harlow, the one-time Eisenhower administration aide who was missed and missing at the White House during the critical year of Watergate. Credit also goes to Melvin R. Laird, the domestic counselor, who is the first high-placed White House official really trusted by Republicans (and many Democrats) in Congress. There are differences between the three men but what they have in common is that all are devoted to public service and none are lawyers.

Haig's job is by far the most difficult, and many of his friends advised him to stay in the Army instead. "People said to me you must be suicide-inclined or ready for a mental institution to walk into that cement-mixer," he recalls. "But I'm raised in a tradition where you expect it to be a terminal situation at any moment, and I went ahead."

* * *

There are few external clues in the 49-year-old Haig's background that explain his success. His father died when he was 10, and Haig worked while in school during most of his boyhood. An uncle with congressional connections wangled a West Point appointment for him in 1944, and he graduated 214th in a class of 310. In 1949, Haig served on General Douglas MacArthur's staff in Japan, and at least one of his contemporaries believes he formed a distrust of overly centralized staff systems at this time. Haig participated in the Inchon landing and four other combat operations in Korea and won the Distinguished Service Cross in Vietnam for leading troops near An Loc. He was a mostly inconspicuous deputy commandant of cadets at West Point when Califano recommended him to Henry Kissinger as military deputy on the National Security Council. After that, Haig's fortunes rose rapidly. He won Nixon's praise for his reorganization of the National Security Council and played an important role in the Vietnam negotiations. He was promoted to three-star general, then quickly awarded a fourth star. At the time the President offered him the No. 1 civilian job in the wounded administration, Haig's military standing was never more secure.

The most distinctive qualities of Haig in the five months since he has taken over from Haldeman have been his openness and recognition of his own limitations. "I couldn't last here ten minutes if I blocked a Laird or a Harlow from seeing the President, and I wouldn't even try," he says.

White House reporters, accustomed to repeated sloganeering from this administration, have been pleasantly surprised by Haig's sensitivity to language. Asked if the President had truly left Watergate behind him, Haig replied: "I don't like to talk in glib clichés of that kind. Watergate is important, and we all have differing sensibilities about it. But there has been an overfixation on Watergate. We have just so much time at the helm, and we don't have any time to waste. Not that Watergate attention is wasted time. It isn't that. It's that we *really* do have a number of items before us that are of vital importance to the people . . . . These moments we have to deal with these problems are precious to me and my staff."

It is comments such as these, put more thoughtfully than they ever have been by President Nixon, that makes Haig's appointment the most operative of all, and he is clearly, as Califano forecast, the right man for the job at this time.

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We know that the only way to avoid error is to detect it and that the only way to detect it is to inquire. We know that in secrecy error undetected will flourish and subvert.

--Dr. Robert Oppenheimer

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